Discipline and Decorum in Parliament and State Legislatures

All-India Conference of Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders and Whips of Parties, New Delhi, 25 November 2001

LOK SABHA SECRETARIAT
NEW DELHI

DISCIPLINE AND DECORUM IN PARLIAMENT AND STATE LEGISLATURES

All-India Conference of Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders and Whips of Parties, New Delhi, 25 November 2001

Editor
G.C. MALHOTRA
Secretary-General
Lok Sabha

LOK SABHA SECRETARIAT
NEW DELHI

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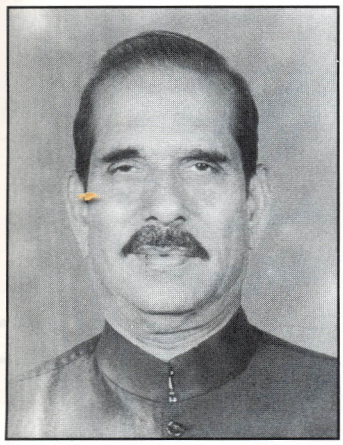


सत्यमेव जयते

SPEAKER, LOK SABHA

FOREWORD

Free, fearless and dignified discussions in the Legislature are part and parcel of the parliamentary interactive process in a democracy. It is through this process that the will and aspirations of the people are reflected and transformed into legislative and policy initiatives. Deliberations in the House require a peaceful and cordial environment. The rules of procedure, customs, conventions and etiquette of the House help maintain such a work environment in the Chamber.

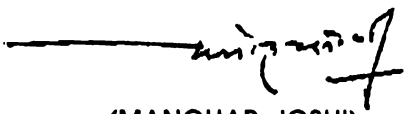
The incidents of interruptions during the President's/Governor's Address, pandemonium and unruly scenes, defiance of the authority of the Chair, insistent demands for adjournments, rushing to the well of the House, shouting of slogans and other such improper conduct are not uncommon. The instances of lack of discipline and decorum in our Legislatures have been a matter of serious concern to all those concerned with the working of parliamentary system. While members' cooperation is the primary requirement for efficient conduct of the Business of the House, the Presiding Officers have a significant role in the maintenance of order, discipline and decorum. They have the onerous duty and obligation to ensure that the Business of the House is conducted according to the rules of procedure.

Presiding Officers have been raising this issue time and again at their Annual Conferences. At the 64th Conference of Presiding Officers of Legislative Bodies in India held at Chandigarh in June 2001, in-depth deliberations were held on the "Need to evolve a code of conduct for legislators and steps to contain frequent adjournments of the Legislatures on account of interruptions". In pursuance of the views expressed in that Conference, Shri G.M.C. Balayogi, the then Speaker of Lok Sabha, convened an All-India Conference of Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders and Whips of Parties on "Discipline and Decorum in Parliament and Legislatures of States and Union Territories" on 25 November, 2001, in the Central Hall of Parliament House, to deliberate on the need for more meaningful, effective and orderly

functioning of our Legislatures. Shri Balayogi also constituted a Drafting Committee under the Chairmanship of Shri P.M. Sayeed, Deputy Speaker, Lok Sabha, to draft a Resolution for consideration of the Conference. After the day-long deliberations on various aspects of the subject, the Conference unanimously adopted the Resolution.

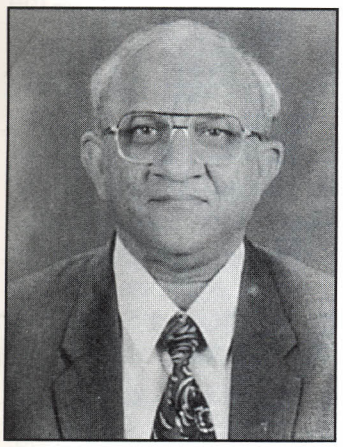
We are deeply indebted to the late Speaker, Shri G.M.C. Balayogi who took the initiative in organizing the Conference and conducted its proceedings.

This publication, brought out by the Lok Sabha Secretariat, gives glimpses of the proceedings of the Conference. I hope it would be found useful and informative by parliamentarians and all others connected with the working of parliamentary institutions in the country.



(MANOHAR JOSHI)

New Delhi;
June, 2003



सत्यमेव जयते

SECRETARY-GENERAL
LOK SABHA

PREFACE

In a parliamentary polity, discipline and decorum in the Legislature are a pre-requisite for the smooth functioning of the system. It is imperative that proceedings of the Legislature are conducted without any interruption or hindrance in an orderly manner. The incidents of uproarious scenes and indecorous behaviour in our Legislatures in recent years have been a cause of grave concern.

The Annual Conferences of Presiding Officers as also the First High Level Conference held in 1992 have focussed on the need for an orderly conduct of debates and discussions in the Legislatures. This problem was also discussed during the 64th Conference of Presiding Officers of Legislative Bodies in India held in Chandigarh in June 2001. It was unanimously decided there that another High Level Conference might be convened to find out ways and means for curbing the incidents of disorderly conduct in our Legislative Bodies. In pursuance to this, the Second High Level Conference of Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders and Whips of Parties was convened in New Delhi on 25 November 2001. The Conference, inaugurated by the Hon'ble Vice-President of India and Chairman of Rajya Sabha, Shri Krishan Kant, was addressed by the Hon'ble Prime Minister, Shri Atal Bihari Vajpayee and the Hon'ble Speaker, Lok Sabha and Chairman of the Conference, Shri G.M.C. Balayogi. Apart from the Leaders of the Opposition in Lok Sabha and Rajya Sabha, several Union Ministers, Leaders and Whips of Parties, Presiding Officers, Chief Ministers, Ministers of several State Governments, MPs and other dignitaries also expressed their views. The Conference concluded after unanimously adopting a Resolution, moved by Shri P.M. Sayeed, the Hon'ble Deputy Speaker, Lok Sabha and Chairman of the Drafting Committee of the Conference.

The present Volume contains the edited version of select proceedings of the Conference. Section-I of the Volume gives an 'Overview of the Conference'. Section-II contains Addresses delivered by the dignitaries at the Inaugural function. Section-III contains the edited version of

the speeches delivered by other participants at the Conference. As several delegates did not get the opportunity to speak at the Conference due to paucity of time, the Chair announced that the speeches/papers circulated/presented by them would form part of the proceedings. Hence, such speeches/papers have also been suitably edited and included in this Section in the order in which they were received. At the end of Section-III, a feature titled 'Adoption of the Resolution and Closure of the Conference' has been incorporated which, *inter alia,* includes the concluding remarks of Shri G.M.C. Balayogi.

In order to enhance its aesthetic value, select photographs pertaining to different occasions and events of the Conference have been included in this Volume. We have also included available passport size photographs of the dignitaries/delegates who delivered speeches/presented papers at the Conference. Besides, a List of Members of the Drafting Committee of the Conference, the Text of the Resolution adopted at the Conference and the Backgrounder prepared by the Lok Sabha Secretariat on the theme of the Conference have been annexed at the end of the publication. We would like to emphasize that the views expressed in the speeches/papers are those of the dignitaries/delegates concerned and the Lok Sabha Secretariat does not accept any responsibility either for the opinions expressed by the delegates or the facts cited by them.

We are deeply beholden to the late Speaker of Lok Sabha and Chairman of the Conference, Shri G.M.C. Balayogi, who took keen interest in organizing the Conference. Throughout the Conference, Shri Balayogi rendered valuable guidance and ensured that it was a great success.

We are also grateful to the Hon'ble Speaker, Lok Sabha, Shri Manohar Joshi, for his illuminating Foreword to this publication.

We hope this Volume will be found useful by parliamentarians, academics and others connected with the functioning of parliamentary democracy in the country.

(G.C. MALHOTRA)

New Delhi;
June, 2003

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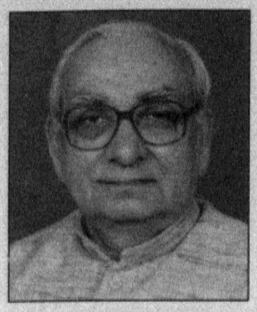
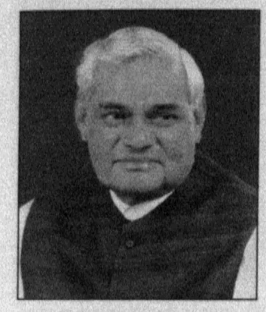
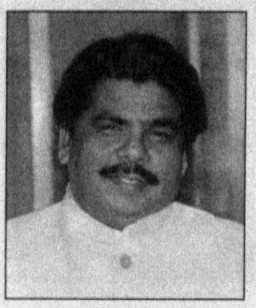


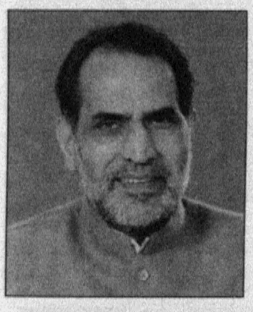
Shri Krishan Kant
Vice-President of India and
Chairman, Rajya Sabha



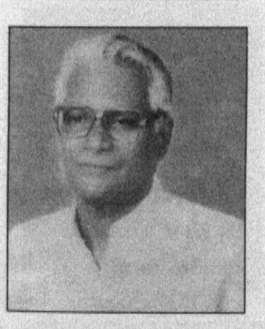
Shri Atal Bihari Vajpayee
Prime Minister of India



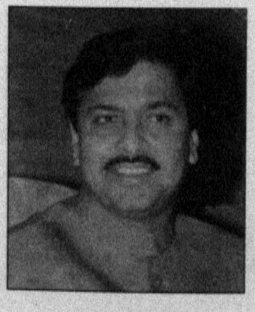
Shri G.M.C. Balayogi
Speaker, Lok Sabha



Shri Chandra Shekhar
Chairman, Committee on Ethics,
Lok Sabha and
former Prime Minister of India



Shri George Fernandes
Union Minister of Defence

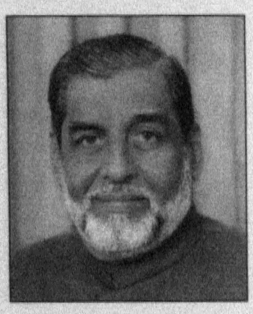


Shri Pramod Mahajan
Union Minister of Parliamentary
Affairs, Information Technology
and Communications

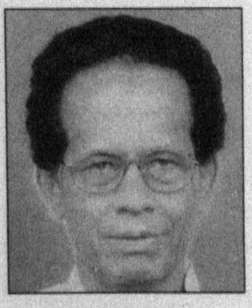
Dr. Manmohan Singh
Leader of the Opposition,
Rajya Sabha and
former Union Minister

Smt. Sonia Gandhi
Leader of the Opposition, Lok Sabha

Dr. (Smt.) Najma Heptulla
Deputy Chairman, Rajya Sabha



Shri P.M. Sayeed
Deputy Speaker, Lok Sabha



Shri Tarun Gogoi
Chief Minister, Assam

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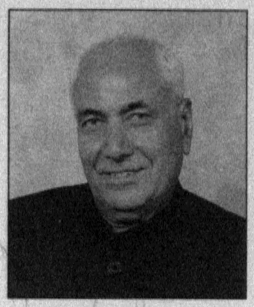
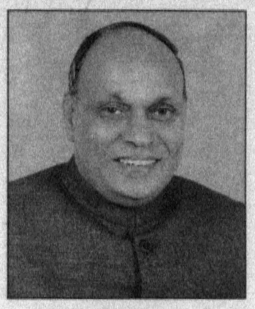
Chief Minister, Bihar



Shri Om Prakash Chautala
Chief Minister, Haryana



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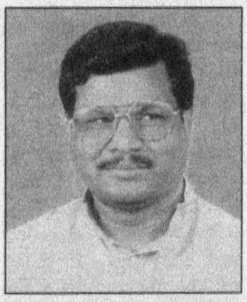
Chief Minister, Himachal Pradesh

Dr. Farooq Abdullah
Chief Minister,
Jammu and Kashmir



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Chief Minister, Jharkhand

Shri Digvijay Singh
Chief Minister, Madhya Pradesh

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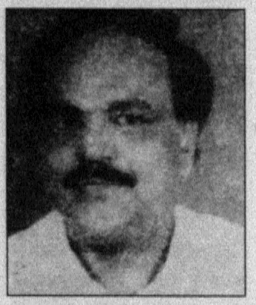
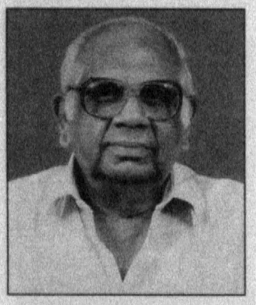
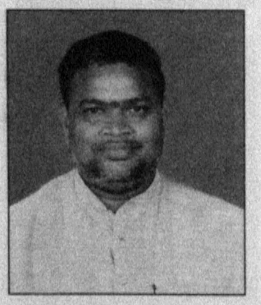


Shri Chhagan Bhujbal
Deputy Chief Minister,
Maharashtra

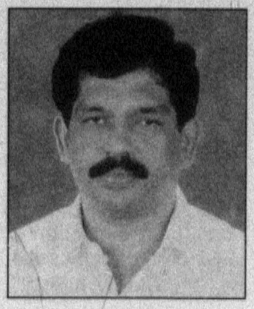


Shri Somnath Chatterjee
Leader, Communist Party of
India (Marxist) in Lok Sabha



Shri K. Yerrannaidu
Leader, Telugu Desam Party
in Lok Sabha

Kumari Mamata Banerjee
Leader, All India Trinamool
Congress Party in Lok Sabha and
former Union Minister



Shri P.D. Elangovan
Leader, PMK Parliamentary Party
in Lok Sabha

Shri Pranab Mukherjee
Chief Whip,
Indian National Congress Party,
Rajya Sabha and former
Union Minister

Shri Priya Ranjan Dasmunsi
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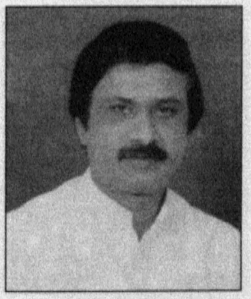

Shri B.L. Shankar
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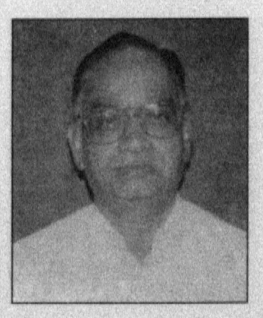

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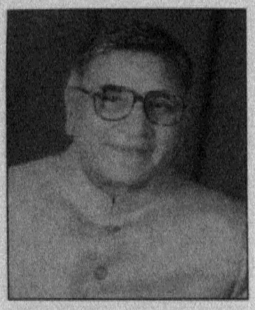

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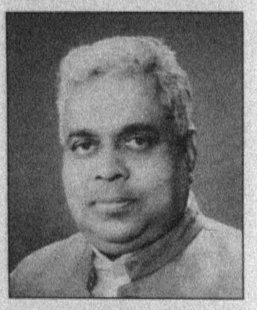
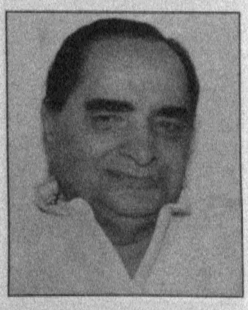
Uttar Pradesh Legislative Council

Smt. K. Prathibha Bharathi
Speaker,
Andhra Pradesh Legislative
Assembly

Shri Prithibi Majhi
Speaker,
Assam Legislative Assembly



Shri Sadanand Singh
Speaker,
Bihar Legislative Assembly



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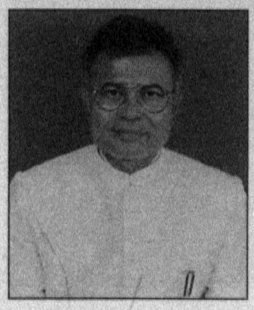

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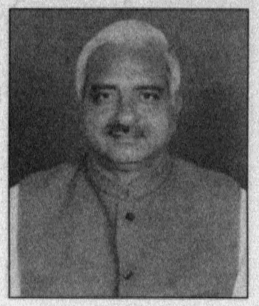

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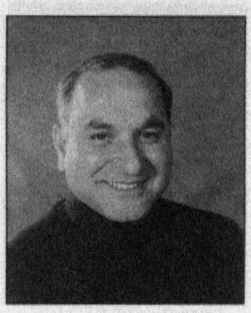

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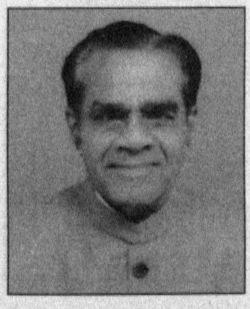

Shri M.V. Venkatappa
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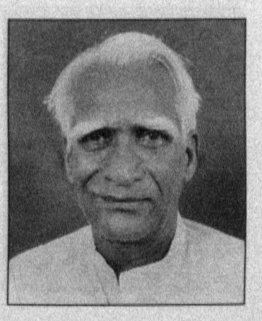

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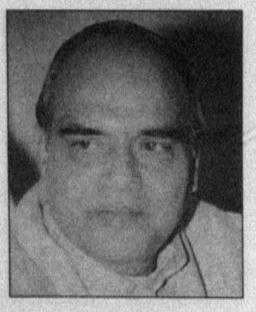
Madhya Pradesh Legislative
Assembly

Shri Arun Gujarathi
Speaker,
Maharashtra Legislative Assembly

Dr. S. Dhananjoy
Speaker,
Manipur Legislative Assembly

Shri Z. Lohe
Speaker,
Nagaland Legislative Assembly



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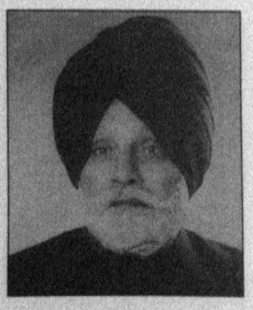
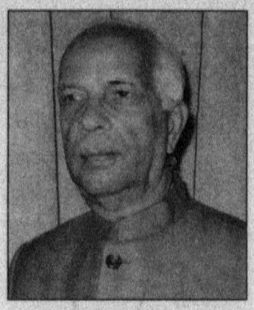
Speaker,
Orissa Legislative Assembly



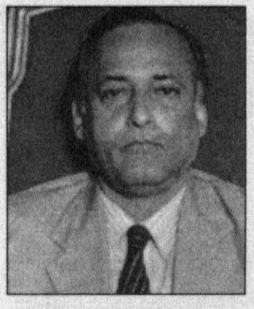
Sardar Charnjit Singh Atwal
Speaker,
Punjab Legislative Assembly

Shri Jitendra Sarkar
Speaker,
Tripura Legislative Assembly



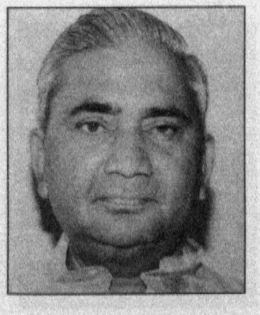
Shri Keshari Nath Tripathi
Speaker,
Uttar Pradesh Legislative Assembly

Shri Prakash Pant
Speaker,
Uttaranchal Legislative Assembly

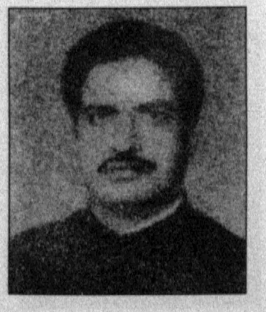


Shri Hashim Abdul Halim
Speaker,
West Bengal Legislative Assembly

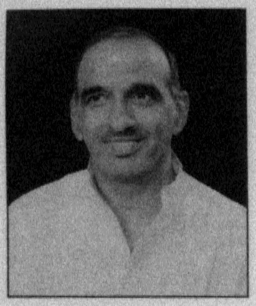
Choudhary Prem Singh
Speaker,
Delhi Legislative Assembly



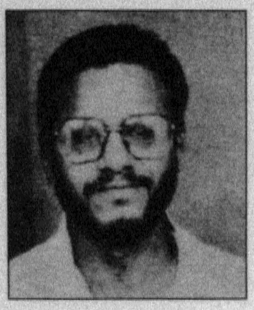
Dr. Ramchandra Purve
Minister of Parliamentary Affairs,
Bihar



Shri Vijay Shankar Dubey
Minister of Registration and Adult Education,
Bihar

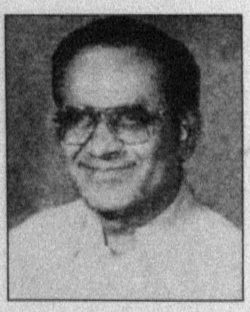


Shri Sampat Singh
Minister of Parliamentary Affairs, Haryana



Shri D.B. Chandregowda
Minister of Law and
Parliamentary Affairs,
Karnataka

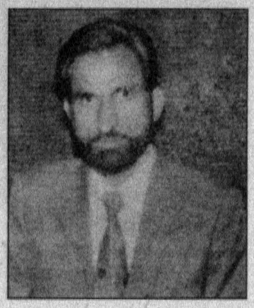
Shri M.M. Hassan
Minister of Information and
Parliamentary Affairs and
Non-Resident Keralites Affairs, Kerala



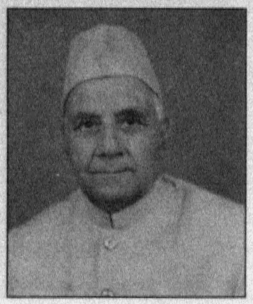
Shri Rohidas Patil
Minister of Parliamentary Affairs,
Maharashtra

Shri F. Malsawma
Minister of Parliamentary Affairs,
Mizoram

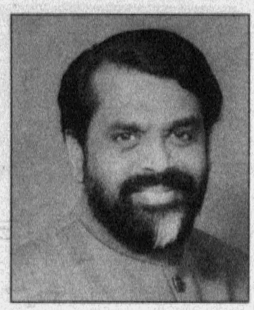
Shri C. Ponnaiyan
Minister of Finance, Law &
Parliamentary Affairs,
Tamil Nadu



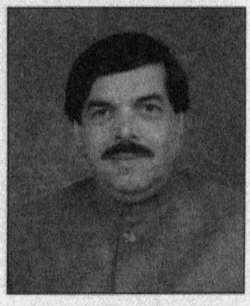
Shri Mushtaq Ahmed Lone
Minister of State for Law and
Parliamentary Affair,
Jammu and Kashmir



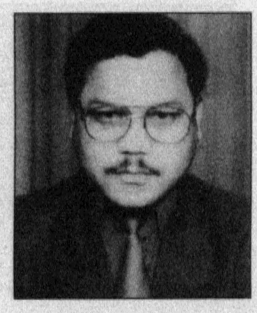
Shri Chuni Lal Khajuria
Deputy Chairman,
Jammu and Kashmir
Legislative Council



Shri David Simeon
Deputy Chairman,
Karnataka Legislative Council



Shri Manohar H. Tahsildar
Deputy Speaker,
Karnataka Legislative Assembly



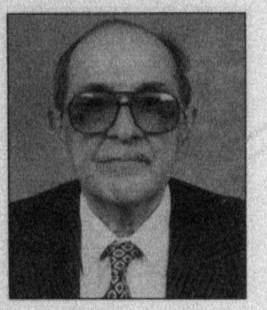
Shri M.M. Danggo
Deputy Speaker,
Meghalaya Legislative Assembly

Shri R.C. Panda
Deputy Speaker,
Orissa Legislative Assembly

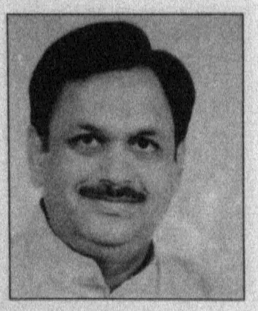
Dr. Ammar Rizvi
Deputy Speaker,
Uttar Pradesh
Legislative Assembly

Smt. Kiran Chaudhary
Deputy Speaker,
Delhi Legislative Assembly

Shri Shivraj V. Patil
Chairman, Standing Committee
on Finance and Former Speaker,
Lok Sabha

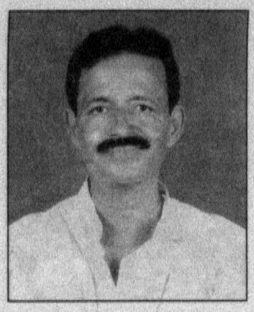


Shri Fali S. Nariman
Member of Parliament,
Rajya Sabha



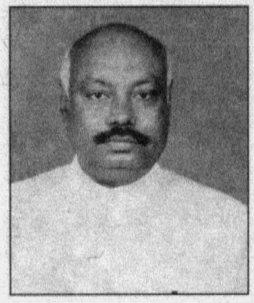
Shri Suresh Pachouri
Member of Parliament,
Rajya Sabha

Smt. Margaret Alva
Member of Parliament,
Lok Sabha

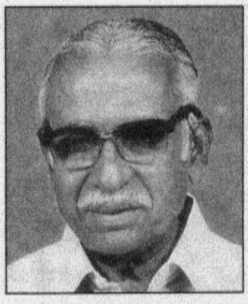


Shri Rashid Alvi
Member of Parliament,
Lok Sabha

Kunwar Akhilesh Singh
Member of Parliament,
Lok Sabha

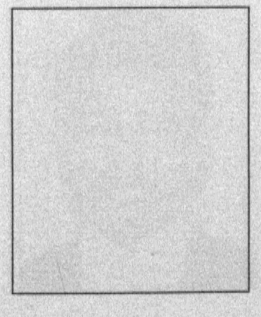


Shri P.H. Pandian
Member of Parliament,
Lok Sabha



Shri Varkala Radhakrishnan
Member of Parliament,
Lok Sabha

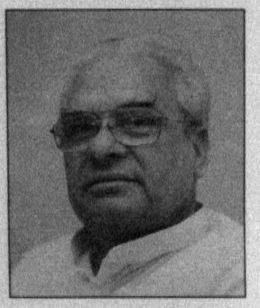
Shri Devendra Prasad Yadav
Member of Parliament,
Lok Sabha



Shri Ganga Prasad
Leader of the Opposition,
Bihar Legislative Council

Shri Sushil Kumar Modi
Leader of the Opposition,
Bihar Legislative Assembly

Shri Luizinho Faleiro
Leader of the Opposition,
Goa Legislative Assembly



Choudhary Bhajan Lal
Leader of the Indian National Congress,
Haryana Legislative Assembly

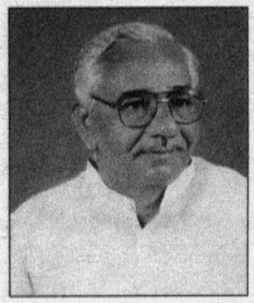
Shri Ramakanta Mishra
Leader of the Opposition,
Orissa Legislative Assembly

Shri Keshab Majumdar
Minister of Parliamentary Affairs
and Government Chief Whip,
Tripura

Shri Ram Karan Pal
Chief Whip, Ruling Party,
Bihar Legislative Council

Shri Naveen Kishore Prasad Sinha
Chief Whip, Opposition Party,
Bihar Legislative Assembly

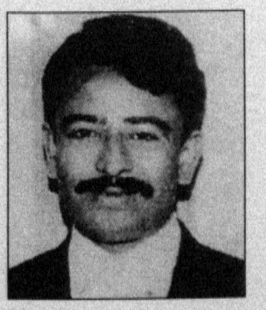
Shri Jitendra Deshprabhu
Whip, Indian National
Congress Party, Goa



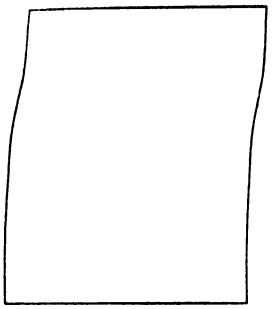
Prof. Mangaldas Patel
Government Chief Whip,
Gujarat

Shri Hari Singh Mahua
Government Chief Whip,
Rajasthan Legislative Assembly

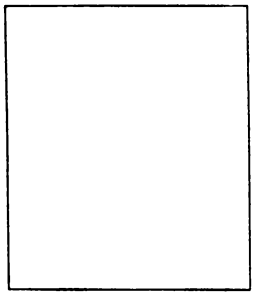
Shri Matbar Singh Kandari
Chief Whip, BJP,
Uttaranchal Legislative Assembly



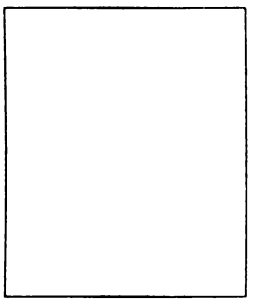
Shri Ela Pugazhendi
Whip, DMK Party,
Tamil Nadu Legislative Assembly



Shri Ram Sewak Hazari
Member,
Bihar Legislative Assembly



Shri Mohamed Mahir Azad
Member,
Rajasthan Legislative Assembly



Shri Surendra Vyas
Member,
Rajasthan Legislative Assembly

SECTION-I

AN OVERVIEW OF THE CONFERENCE

The problem of discipline and decorum in our Legislatures has been a cause of concern for all those associated with the working of parliamentary institutions in the country. The matter has been discussed time and again in different fora and efforts have been made to find a solution to this problem. In May 1992, the Gandhinagar Conference of Presiding Officers had seriously considered the matter and suggested that an All India Conference should be convened to deliberate on the issue. As a sequel to this, a two-day All India Conference of Presiding Officers, Leaders of Parties, Ministers of Parliamentary Affairs, Whips, Parliamentarians, Legislators and Senior Officers of Parliament and State Legislatures was convened in the Central Hall of Parliament House on 23 and 24 September, 1992. During the Conference, almost all the aspects of the functioning of parliamentary institutions were dealt with. Particular attention was given to disorders and disturbances during the President's/Governor's Address, suspension of Question Hour, number of sittings, strengthening the Committee system, training of legislators, Code of Conduct for members, etc. It was unanimously felt that the existing procedural and structural aspects of the functioning of parliamentary institutions should be improved in order to make the system more responsive and effective to the needs and aspirations of the people.

At the Special Session of Lok Sabha held to mark the occasion of the Golden Jubilee of India's Independence in 1997, all political parties expressed concern over the breach of discipline, decorum and dignity of our Legislatures. The unanimous Resolution adopted on the occasion called for commitment towards maintaining the inviolability of the Question Hour, refraining from shouting of slogans or transgressing into the Well of the House and desisting from any kind of interruptions during the President's Address.

The matter was also discussed at length during the 64th Conference of Presiding Officers of Legislative Bodies in India held in Chandigarh in June 2001. It was unanimously decided there to convene a high-level Conference of Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders of the Opposition, other leaders and Whips of Parties to discuss measures to effectively ensure discipline and decorum in Legislatures. In pursuance of the views expressed in the Conference, the then Speaker, Lok Sabha, Shri G.M.C. Balayogi convened an All India Conference of Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders and Whips of Parties on "Discipline and Decorum in Parliament and Legislatures of States and Union Territories" on 25 November, 2001 in the Central Hall of Parliament House.

The Conference was inaugurated by the Vice-President of India and Chairman of Rajya Sabha, Shri Krishan Kant. In his inaugural address, Shri Krishan Kant posed a question as to why in the last few years, our parliamentary institutions have slipped from the commanding heights over which they once stood. He suggested that "the battle for restoring decorum in the Parliament and the Legislatures is to be fought at two levels—one level is putting in place cast-iron rules about what a member or a party can or cannot do in the Parliament. The second level is voluntary action on the part of the members of the Parliament and the Legislatures". He was of the opinion that voluntary action by members is a superior form of norm-compliance than enforcement of strict rules. He further added that improvement in the functional efficiency of Parliament is an on-going process to which every generation makes its own contribution. Recalling how the Government and the Opposition have cooperated to enable the House function efficiently and productively, he stressed that our efforts should be directed at enlarging the common space for this co-operation and understanding.

In his speech, the Prime Minister, Shri Atal Bihari Vajpayee emphasised that it is not necessary to resort to unseemly conduct and frequent interruptions during the President's/Governor's Address and to seek suspension of the 'Question Hour' time and again. He felt that the 'Question Hour' could be suspended if there were any grave issues and circumstances and there was consensus to suspend the 'Question Hour'. He further said that in this age of coalition governments we should learn to work together. The Ruling Party should live upto its responsibilities and the Opposition should behave in a responsible manner.

Earlier, welcoming the delegates, the Speaker, Lok Sabha, Shri G.M.C. Balayogi said that the Legislatures are the temples of democracy. "Being the supreme representative institutions of the people, they are expected to function as role models for other institutions and organisations in the country and maintain high standards of work, discipline and decorum." While lamenting that "some members often flout the rules and resort to improper conduct like rushing to the Well of the House, tearing and throwing parliamentary papers, shouting slogans and using other unparliamentary means." Shri Balayogi said that "the orderly conduct of Legislature is conducive to the growth of democracy. To serve and survive. Legislatures, must function effectively so as to instil faith and confidence among the people." It is high time that we pondered over the way we practise or rather fail to practise, parliamentary democracy. He emphasised that "the strength of our democratic system depends on the smooth functioning of the three institutions of Government, namely, the Parliament, Executive and Judiciary. If any one of these organs becomes slack with regard to its constitutionally designated functions, there is likely to be a vacuum. In order that the stability of the system is not jeopardised, attempts may sometimes be made by another organ to fill that vacuum. That may be adversely commented upon. We have, therefore, to function in a manner that the strength and vitality of our institutions is maintained and each one of them is able to perform its function as envisaged in our constitutional scheme."

Initiating the discussion on the subject, Leader of the Opposition in Lok Sabha, Smt. Sonia Gandhi observed that there was dissonance between the reality of our parliamentary system of democracy and the public perception of Legislatures and the way they function. She pointed out that a great deal of disruption in the Legislatures "arises from the reluctance and procrastination of the Treasury Benches to face the House on controversial matters." The key to obviating disruption lies in augmenting the number of days for which the House sits and strengthening the working of the Committee system. She was also of the opinion that there must be an absolute ban on entering the Well of the House and the Presiding Officers might be given more powers to take disciplinary action in the event of this fundamental rule being breached. She also suggested radical reorganisation of the standard sequence of business in the House like shifting the Question Hour to the evening. For improving the public perception of the functioning of our Legislatures, she felt that practical steps for projecting through the visual medium the serious business of the House to the serious viewers might be considered.

The Deputy Chairperson, Rajya Sabha, Dr. (Smt.) Najma Heptulla pointed out that "Parliament is not only about parties and politics. It is not only about forming and defeating the Government. It has a much bigger role. It is about holding the Government accountable and transparent." Talking about heated and agitated behaviour in the legislative bodies she said that "if the conditions in the country are explosive, they are bound to reflect in both the Parliament and the State Legislatures". She further remarked that it was not only the decorum and discipline within the House that was essential but the conduct of the legislators outside was equally important. It is our responsibility to keep our democracy accountable, participatory, interactive and inclusive. She concluded on a positive note saying that "there could be diversity in our views, but there is no divergence in our objectives—that we should abide by the high prestige of the institution; and we are united in our purpose to protect the ideals of parliamentary democracy."

The Minister of Parliamentary Affairs, Information Technology and Communications, Shri Pramod Mahajan was of the opinion that there was no need of framing new rules and holding fresh

conferences. He said that such proposals had been put forth during the last twenty-five years and the main problem was that those proposals were hardly implemented. He further said that when any member obstructs frequently, the Chair should use his powers with due restraint.

Shri P.M. Sayeed, Deputy Speaker, Lok Sabha and Chairman of the Drafting Committee of the Conference observed that in public perception the image of our legislators inside and outside their Chambers has taken a severe beating; especially of late, incidents like interference with the President's/Governor's Address, disruption of the listed business of the Houses, exchange of unparliamentary expressions and violent behaviour have been on the increase. The Presiding Officers of course, have been vested with supreme powers within the Chambers. But, they cannot obviously breathe discipline in the members through punitive measures. Maintenance of discipline and decorum is the individual responsibility of the members and collective responsibility of the Chambers.

Dr. Manmohan Singh, Leader of the Opposition in Rajya Sabha and former Union Minister was of the opinion that the sorry state of affairs is not for want of rules, procedures, customs and traditions but due to absence of the will to enforce them and to abide by them.

Others who participated in the deliberations of the Conference were: Shri Chandra Shekhar (Chairman, Committee on Ethics, Lok Sabha and Former Prime Minister of India); Dr. Farooq Abdullah (Chief Minister, Jammu and Kashmir); Shri Hashim Abdul Halim (Speaker, West Bengal Legislative Assembly); Shri Shivraj V. Patil (Chairman, Standing Committee on Finance and Former Speaker, Lok Sabha); Shri Somnath Chatterjee (Leader, CPI(M) in Lok Sabha): Shri Digvijay Singh (Chief Minister, Madhya Pradesh); Shri Vilasrao Deshmukh (Chief Minister, Maharashtra); Shri Keshari Nath Tripathi (Speaker, Uttar Pradesh Legislative Assembly); Shri K. Yerrannaidu (Leader, Telugu Desam Party in Lok Sabha); Shri Priya Ranjan Dasmunsi (Chief Whip, Indian National Congress in Lok Sabha); Kunwar Akhilesh Singh (Member of Parliament, Lok Sahba); Shri C. Ponnaiyan (Minister of Finance, Law and Parliamentary Affairs, Tamil Nadu); Shri Tarun Gogoi (Chief Minister, Assam); Shri Suresh Pachouri (Member of Parliament, Rajya Sabha); Shri Satbir Singh Kadian (Speaker, Haryana Legislative Assembly); Dr. Ammar Rizvi (Deputy Speaker, Uttar Pradesh Legislative Assembly); Shri Abdul Rashid Dar (Chairman, Jammu and Kashmir Legislative Council); Shri Rajendra Prasad Shukla (Speaker, Chhattisgarh Legislative Assembly); Shri Sadanand Singh (Speaker, Bihar Legislative Assembly); Shri M.V. Venkatappa (Speaker, Karnataka Legislative Assembly); Sardar Charnjit Singh Atwal (Speaker, Punjab Legislative Assembly); Smt. Margaret Alva (Member of Parliament, Lok Sabha); Shri Jitendra Sarkar (Speaker, Tripura Legislative Assembly); Shri Shrinivas Tiwari (Speaker, Madhya Pradesh Legislative Assembly); Smt. K. Prathibha Bharathi (Speaker, Andhra Pradesh Legislative Assembly); Shri Pranab Mukherjee (Chief Whip, Indian National Congress, Rajya Sabha and former Union Minister); Kumari Mamata Banerjee (Leader, All India Trinamool Congress in Lok Sabha and former Union Minister); Shri Ela Pugazhendi (Whip, DMK Party, Tamil Nadu Legislative Assembly); Prof. N.S. Pharande (Chairman, Maharashtra Legislative Council); Shri Pratapsing Raoji Rane (Speaker, Goa Legislative Assembly); Shri Dhirubhai Shah (Speaker, Gujarat Legislative Assembly); Shri Inder Singh Namdhari (Speaker, Jharkhand Legislative Assembly; Shri Prakash Pant (Speaker, Uttaranchal Legislative Assembly); Choudhary Prem Singh (Speaker, Delhi Legislative Assembly); Shri Prithibi Majhi (Speaker, Assam Legislative Assembly); Shri Rashid Alvi (Member of Parliament, Lok Sabha); Dr. S. Dhananjoy (Speaker, Manipur Legislative Assembly); Shri Sarat Kumar Kar (Speaker, Orissa Legislative Assembly); Choudhary Bhajan Lal (Leader of Indian National Congress, Haryana Legislative Assembly); Smt. Kiran Choudhry (Deputy Speaker, Delhi Legislative Assembly); Shri P.H. Pandi[illegible]an (Member of Parliament, Lok Sabha); Shri Mohamed Mahir Azad (Member, Rajasthan Legislative Assembly); and Shri Devendra Prasad Yadav (Member of Parliament, Lok Sabha).

Due to paucity of time, speeches of several other delegates, who could not get the opportunity to speak at the Conference, were circulated. As announced by the Chair, these speeches also formed part of the day's proceedings. The names of delegates were: Shri Arun Gujarathi (Speaker, Maharashtra Legislative Assembly): Shri Chhagan Bhujbal (Deputy Chief Minister,

Maharashtra); Shri Rohidas Patil (Minister of Parliamentary Affairs, Maharashtra); Shri Hari Singh Mahua (Government Chief Whip, Rajasthan Legislative Assembly); Shri Ram Karan Pal (Chief Whip, Ruling Party, Bihar Legislative Council); Shri B.L. Shankar (Chairman, Karnataka Legislative Council); Shri Chuni Lal Khajuria (Deputy Chairman, Jammu and Kashmir Legislative Council); Shri Varkala Radhakrishnan (Member of Parliament, Lok Sabha); Shri Surendra Vyas Member, Rajasthan Legislative Assembly); Shri Vijay Shankar Dubey (Minister of Registration and Adult Education, Bihar); Shri Manohar H. Tahsildar (Deputy Speaker, Karnataka Legislative Assembly); Shri Om Prakash Sharma (Chairman, Uttar Pradesh Legislative Council); Shri M.M. Hassan (Minister for Information and Parliamentary Affairs, Kerala); Shri Ganga Prasad (Leader of the Opposition, Bihar Legislative Council); Shri Ramakanta Mishra (Leader of the Opposition, Orissa Legislative Assembly); Shri Sushil Kumar Modi (Leader of the Opposition, Bihar Legislative Assembly); Dr. Ramchandra Purve (Minister of Parliamentary Affairs, Bihar); Shri Ram Sewak Hazari (Member, Bihar Legislative Assembly); Shri Naveen Kishore Prasad Sinha (Chief Whip, Opposition Party, Bihar Legislative Assembly); Shri Gulab Singh Thakur (Speaker, Himachal Pradesh Legislative Assembly); Shri Mushtaq Ahmed Lone (Minister of State for Law and Parliamentary Affairs, Jammu and Kashmir); Shri Z. Lohe (Speaker, Nagaland Legislative Assembly); Shri O. Paneerselvam (Chief Minister, Tamil Nadu); Shri Keshab Majumdar (Minister of Parliamentary Affairs and Government Chief Whip, Tripura); Shri Sampat Singh (Minister of Parliamentary Affairs, Haryana); Shri Matbar Singh Kandari (Chief Whip, BJP, Uttaranchal Legislative Assembly); Shri David Simeon (Deputy Chairman, Karnataka Legislative Council); Smt. Shiela Dikshit (Chief Minister, National Capital Territory of Delhi); Shri Om Prakash Chautala (Chief Minister, Haryana); Prof. Mangaldas Patel (Government Chief Whip, Gujarat Legislative Assembly); Shri R.C. Panda (Deputy Speaker, Orissa Legislative Assembly); Shri George Fernandes (Union Minister of Defence); Shri Jitendra Deshprabhu (Whip, Indian National Congress Party, Goa Legislative Assembly.); Shri F. Malsawma (Minister of Parliamentary Affairs, Mizoram); Shri P.D. Elangovan (Leader of PMK Parliamentary Party, Lok Sabha); Shri Fali S. Nariman (Member of Parliament, Rajya Sabha); Shri M.M. Danggo (Deputy Speaker, Meghalaya Legislative Assembly); Shri Prem Kumar Dhumal (Chief Minister, Himachal Pradesh); Shri Babu Lal Marandi (Chief Minister, Jharkhand); Shri Luizinho Faleiro (Leader of the Opposition, Goa Legislative Assembly); Smt. Rabri Devi (Chief Minister, Bihar); and Shri D.B. Chandregowda (Minister of Law and Parliamentary Affairs, Karnataka).

The Conference was attended by delegates from all parts of the country. The most significant achievement of the Conference was that cutting across their ideological differences and political affiliations all the delegates unanimously adopted a Resolution*. Shri P.M. Sayeed, Deputy Speaker, Lok Sabha and Chairman of the Drafting Committee constituted to draft the Resolution for consideration of the Conference read out the Resolution at the Conference and the same was unanimously adopted. The Resolution took serious note of the growing tendency to disturb and stall the proceedings of the Parliament and the State Legislatures and incidents of disorderly conduct by members inside the House which, besides eroding the credibility of these representative institutions, also lead to public disillusionment with the very system of parliamentary democracy.

Expressing concern of the Conference that all the concerted efforts have proved to be inadequate in curbing this increasingly disturbing trend, the Resolution called upon the leaders of political and legislature parties to come forward and play a proactive role in maintaining decorum in Legislatures by restraining their members from indulging in disorderly conduct inside the House and to impress upon them the need for faithful adherence to the norms of discipline, decorum and decent behaviour in the Houses. It emphasized that the time has come to seriously introspect and analyse the root causes of this malady and take effective measures to stamp it out from our body politic.

It, *inter alia,* resolved that a Code of Conduct be adopted for legislators, necessary changes be incorporated in the Rules of Procedure of all the Legislatures for its implementation and punishments be provided for all violations or breaches. It also called for constitution of Ethics

*For text of the Resolution *see* Annexure-II: and for the names of the members of the Drafting Committee *see* Annexure-I.

Committees in all the Legislatures for enforcing the Code of Conduct. Time and again, concern has been expressed that the members do not get an opportunity to speak in the House due to paucity of time. In this regard, the Resolution urged that immediate steps be taken to ensure a minimum of 110 days of sittings of Parliament and 90 and 50 days of sittings of the Legislatures for the big and small States, respectively. It also resolved that: earnest endeavours be made by all political parties to lay down parameters with emphasis on proven standards in public life, for selection of candidates for elections; a more responsible and effective role in maintaining decorum in the House be played by the Leader of the House, the Leader of the Opposition and leaders of political and legislature parties by ensuring disciplined behaviour on the part of their members; the Treasury and the Opposition benches in the House should be more tolerant, accommodative and understanding towards each other; and Presiding Officers and leadership of political and legislature parties should ensure that the members, especially the new members are given proper training and orientation in parliamentary procedure, processes, discipline and decorum.

In his concluding remarks, Shri G.M.C. Balayogi, Speaker, Lok Sabha and Chairman of the Conference said that the very fact that we could organise a meeting of this magnitude involving virtually the whole spectrum of our nation's leadership at different levels and come to agree on measures that could help to refurbish the image of our representative institutions in itself was a creditable achievement. He was confident that the Resolution and the Code adopted at the Conference would be suitably adopted in the rules of the Legislatures and followed in letter and spirit.

Other Features of the Conference

Group Photograph

The Conference was preceded by a Group Photograph of the delegates.

Reference Desk

A Reference Desk was set up in the Parliament House Library to cater to the reference and other information needs of the delegates to the Conference.

Cyber Cafe

A Cyber Cafe was set up at the venue of the Conference to provide internet facilities to the delegates.

Media Coverage

The proceedings of the Conference received a wide coverage both by the electronic and print media. The proceedings of the Conference were telecast live by the *Doordarshan.*

Reception

Shri G.M.C. Balayogi, Speaker of Lok Sabha, hosted a lunch in Parliament House in honour of the delegates. Later in the evening, the delegates were guests of honour at a dinner hosted by Prime Minister, Shri Atal Bihari Vajpayee, at his residence.

SECTION-II

ADDRESSES AT THE INAUGURATION OF THE CONFERENCE

WELCOME ADDRESS BY SHRI G.M.C. BALAYOGI, SPEAKER, LOK SABHA AND CHAIRMAN OF THE CONFERENCE

Respected Upa-Rashtrapatiji, respected Pradhan Mantriji, respected Leader of the Opposition in the Lok Sabha, respected Leader of the Opposition in the Rajya Sabha, respected Presiding Officers, respected Chief Ministers, respected Ministers, respected Leaders of various Parties, respected Whips, respected Chairmen of the Committees of Privileges and Ethics, respected members of Parliament, friends from print and electronic media, distinguished guests, ladies and gentlemen:

It is indeed a matter of great pleasure and honour for me to extend a hearty welcome to you all to this Conference. I am grateful to respected *Upa-Rashtrapatiji* for accepting our invitation to inaugurate and address this Conference. I am also thankful to respected *Pradhan Mantriji* for keenly associating with this important event. My thanks are also due to the Leaders of the Opposition in Parliament, my fellow Presiding Officers, Chief Ministers, Union Ministers, Ministers of Parliamentary Affairs, Leaders of various Parties and Groups, Whips, Chairmen of the Committees of Privileges and Ethics and members of Parliament, who have, out of their concern over the issues, made it convenient to attend this day-long Conference to deliberate on a subject which has been agitating the minds of all those who want parliamentary democracy to thrive and flourish in our country.

Legislatures are the temples of democracy, through which we seek to serve the public weal. Being the supreme representative institutions of the people, they are expected to function as role models for other institutions and organisations in the country and maintain high standards of work, discipline and decorum. The credibility of a Legislature is intimately related to the role and conduct of its members. As people's representatives, they are expected to observe a very high standard of decorum, both inside and outside the Legislature and help to maintain its sanctity. Unfortunately, in recent times, we have witnessed increasing incidents of indecorous behaviour by legislators, which tarnish the image of the institution.

The problem of indiscipline in our Legislatures has been a matter of concern for a long time. Over the years, though several guidelines and conventions have been developed to regulate the conduct of legislators, the situation has only worsened with each passing year.

Almost a decade back in September, 1992, we had a similar Conference in this very Hall to deliberate on the subject of discipline and decorum in Legislatures. Some of those who attended that Conference are present amongst us today also. The Conference had unanimously adopted a resolution, which, among other things, stressed that with a view to preserving the democratic fabric and strengthening parliamentary institutions, it was necessary for the members to faithfully observe the rules of procedure.

We reiterated our commitment to preserve and enhance the prestige of Parliament at the Special Session held from 26 August to 1 September in 1997 to mark the Golden Jubilee of our country's Independence. We also called for continuous and proactive efforts for enhancing the freedom, authority and dignity of our representative institutions. The issue of discipline and decorum has also been discussed threadbare, time and again, at various Presiding Officers' Conferences.

However, in spite of our concerns and commitments on this matter, we have not been able to achieve the desired results.

At the 64th Conference of Presiding Officers held at Chandigarh, earlier this year in June, we had in-depth deliberations on the "Need to evolve a Code of Conduct for Legislators and steps to contain frequent adjournments of the Legislatures on account of interruptions". It was unanimously decided there to convene a high-level Conference of Presiding Officers, Chief Ministers, Leaders of Opposition, other leaders and Whips of Parties, Ministers of Parliamentary Affairs and others to discuss measures to effectively ensure discipline and decorum in Legislatures. We have assembled here today to give a sincere and honest thought to this matter and to find ways and means to create a conducive atmosphere for the healthy growth of parliamentary institutions in our country.

It is unfortunate that incidents of unruly behaviour are on the increase. May be, sometimes some members may nurse a feeling that they do not have sufficient opportunities to bring to light the grievances of the people at large. To some extent, I can see their view point. But on the whole, there are several procedural devices available to them within the rules of procedure, to raise matters agitating their minds. The rules of procedures are also modified, updated and revised from time to time, to provide maximum opportunities to members to participate in the proceedings. Yet, some members often flout the rules and resort to improper conduct like rushing to the well of the House, tearing and throwing parliamentary papers, shouting slogans and using other unparliamentary means. We have to find out inadequacies, if any, in our system, in our endeavours or what has gone wrong with our values.

As you are all aware, a substantial part of the time of Parliament as well as that of State Legislatures is being wasted due to frequent adjournments on account of interruptions and disorderly scenes. I have certain facts and figures about the Lok Sabha, which I would like to share with you all. During the Twelfth Lok Sabha, out of 575 hours of the total time of the House, nearly 68 hours were frittered away by interruptions and adjournments. The situation has further worsened in the Thirteenth Lok Sabha. This year, in the Monsoon Session, we lost nearly 29 hours of the total time of 174 hours and 30 minutes of the House. Earlier in the Budget Session, we lost nearly 74 hours of the business time and for the first time in our parliamentary history, the Railway Budget was passed without any discussion due to continued disruptions. I am not blaming any particular section of the House for this. But, is it proper for us to conduct the business of the House in such a fashion? It is high time that we pondered over the way we practise, or rather fail to practise, parliamentary democracy.

I feel deeply concerned not only about the wastage of time of the House but also about the decrease in the number of sittings of Legislatures. Again, if we go by the statistics about the Lok Sabha, it is indeed disappointing. While the year 1956 recorded the highest number of sittings of 151, regretfully, it slumped to 77 in 1994; and the year 1999 recorded the lowest number of 51 sittings. Even if we leave aside the number considering that in 1999, the Thirteenth General Elections were held, the trend is disturbing. The position in many State Legislatures is even more lamentable. During the period 1993 to 1997, out of the 32 Legislatures, only 3 Legislatures had over 50 sittings on an annual average. Only 13 of them averaged between 30 and 50 sittings. Some of the Legislatures had even less than 10 sittings. These figures are indeed alarming.

It is not that we are not aware of this sorry state of affairs. The Presiding Officers have been deeply concerned with this disturbing situation. In 1998, a Committee of Presiding Officers was constituted to look into various aspects relating to procedural uniformity and better management of the time of the House. The Committee in its Report submitted at the 64th Conference of Presiding Officers' held at Chandigarh in June this year, had recommended that Legislatures having 100 or more than 100 members should have at least 100 sittings in a year, while the Legislatures having less than 100 members should have a minimum of 60 sittings. The Committee has also recommended that more time should be made available for non-government business

as, with the changing political scenario, legislators have a very important and constructive role to play in the House.

The challenges of House management posed by the increase in the number of parties in the Legislatures constitute another aspect, which needs to be pondered over. Earlier we used to have upto 5 or 6 parties in the Legislatures with one or two leading political parties. Today, there are as many as 41 political parties and groups in the Thirteenth Lok Sabha representing different ideologies and varying shades of opinion. The position is no different in the State Legislatures. While the larger parties demand that their share of time should be proportionate to their strength in the House, the smaller and even single-member parties also insist that they should be given adequate opportunities to place on record their views. We agree that the merit of the argument cannot be denied. At times, the ground reality is that larger parties consume most of the time of the House allocated for a specific issue and smaller and single-members parties, frustrated at being unable to speak, tend to create disturbances in the House to have, somehow, their say.

Undoubtedly, social and economic development is our prime concern. Even after more than fifty years of Independence, we still have a long way to go to ameliorate the conditions of the poor and the downtrodden. How much of our debate in Legislatures is development-oriented? We need to ponder over. Time spent on transacting legislative business is showing a declining trend. With legislation becoming more and more technical, complicated and demanding, legislators need to work much harder to appreciate the issues involved and harmonise legislative proposals with larger public good.

While on the one hand, there is a section of opinion that with the increase in the number of sittings of Legislatures, there may not be sufficient business before the House, on the other hand, there is another point of view that members do not get sufficient opportunities and time to discuss social and economic subjects, Five Year Plans, etc. due to paucity of time. I am sure, increasing the number of sittings will substantially benefit the members by giving them more time to discuss issues which have taken a back seat in recent years and thereby ensure greater executive accountability.

As an elected representative of the people, a member's status is an exalted one. While privileges are extended to members to enable them to perform their parliamentary duties unfettered, these privileges also entail certain obligations. Transparency in political and public life is a vital aspect of an effective democracy. Ethics has come to hold the attention of people more than ever before. The Lok Sabha and the Rajya Sabha have constituted Ethics Committees to evovle a code of conduct and other ethical norms for their members. The State Assemblies of Andhra Pradesh, Orissa, Himachal Pradesh and Jammu and Kashmir have also set up Ethics Committees. I understand many more State Legislatures are also in the process of constituting these Committees. The setting up of Ethics Committee would undoubtedly enhance the levels of transparency and accountability in the functioning of our democratic institutions.

The orderly conduct of Legislatures is conducive to the growth of democracy. To serve and survive, Legislatures, must function effectively so as to instill faith and confidence among the people. This is possible only if they function smoothly and meaningfully in the larger interest of the people. The growing incidents of indiscipline being witnessed in recent times in our Legislatures do not augur well for democracy. It is high time that we spent some time introspecting, individually as well as collectively, on the standards of our behaviour as legislators. The orderly conduct of proceedings requires a concerted and coordinated effort from the Presiding Officers and Leaders and Whips of all the Parties and Groups in the House. I call upon political parties to take the initiative in inculcating discipline among their members to conduct themselves in a dignified and decorous manner.

There is also an urgent need for imparting proper training to members, either by political parties themselves or through some other mechanism, to refresh their understanding, *inter alia*, of rules and procedures.

Friends, we have discussed the matter relating to the maintenance of discipline and decorum in our Legislatures earlier also at various fora and passed resolutions to bring about a change in the state of affairs in our legislative bodies. I feel these endeavours have helped us considerably in understanding the problem. This Conference has been convened to deliberate on the matter further and take some concrete measures towards ensuring orderly conduct in the Legislatures. Let this high-level Conference send a message to the people of India, who are the real sovereign authority, that we all are seriously concerned about the falling standards of decorum and discipline in our Legislatures and that we are determined in our resolve and efforts to address the problem. Let us agree to define a Code of Conduct and to abide by it. This august Assembly of all cross-sections of all Legislatures is the most appropriate forum to do so.

It is important to bear in mind that the strength of our democratic system depends on the smooth functioning of the three institutions of Government, namely the Parliament, Executive and Judiciary. If any one of these organs becomes slack with regard to its constitutionally designated functions, there is likely to be a vacuum. In order that the stability of the system is not jeopardised, attempts may sometimes be made by another organ to fill that vacuum. That may be adversely commented upon. We have, therefore, to function in a manner that the strength and vitality of our institutions is maintained and each one of them is able to perform its function as envisaged in our constitutional scheme. Our endeavour should be to adopt a new perspective and a new orientation in conducting ourselves in the legislatures. I am sure the deliberations of this Conference will be very fruitful and meaningful and the ideas emerging out of this Conference would help in restoring the dignity and prestige of our representative institutions.

Friends, there is no alternative to parliamentary democracy in our country. Effectiveness of this mechanism of governance is directly related to the effective functioning of parliamentary institutions. It is our duty to strengthen these institutions.

I sincerely hope that this Conference will make a concrete and meaningful contribution in that direction.

Thank you.

ADDRESS* BY SHRI ATAL BIHARI VAJPAYEE, PRIME MINISTER OF INDIA

Hon'ble Vice-President, Hon'ble Speaker, Lok Sabha, Ladies and Gentlemen.

I am grateful to both Hon'ble Speaker, Lok Sabha and Hon'ble Chairman, Rajya Sabha, for convening this Conference and I congratulate them for the same. India is the largest democratic country in the world, both population-wise and tradition-wise. We have had the tradition of solving the issues through debates and discussions. The Republic had its origin here and *Samitis* were constituted here and it was, therefore, but natural for us to opt for parliamentary system of democracy during the struggle for independence and after achieving independence.

For a period of twenty years, our Parliament and the State Legislatures functioned smoothly as per rules and within the parameters of decorum. But later on, violation of rules and *dharnas* started taking place. When *dharnas* became a routine, the course of action was decided upon. But the situation worsened further. Indecorous scenes of slogan shouting and rushing to the Well of the House became quite frequent. And after each such incident, we used to sit together and ponder over as to what steps should be taken in this regard.

In the meanwhile, there was another development. The President addresses the Parliament and the Governors address the State Legislatures before commencement of the first session of the year. Solemnity and dignity of such occasions was not observed, and a trend of making interruptions during the Address by the President and the Governors started. Such acts virtually lowered the dignity of Parliament and State Legislatures and were not in consonance with the dignity of the President and the Governors. But this practice continued. After every such incident, meetings were held, views were exchanged and decisions were taken but those decisions have not been implemented. It was only for a few days that we followed those decisions and again we were back to square one.

I have been associated with the Parliament since 1957. I never felt the need of shouting slogans. Similarly, there has never been an occasion when I acted in an indisciplined manner. Parliament is a forum for exchanging views. It is the supreme democratic institution. Therefore, all the political parties should evolve a code of conduct and ensure its strict compliance for smooth and proper functioning of Parliament in accordance with the rules.

Of late, there has been a slight change in the situation inside Parliament. In the State Legislatures, there have been such incidents which do not strengthen the parliamentary democracy. It is not a question of blaming any particular party for that. It is the responsibility of the majority party to govern and take all others into confidence. The Opposition should play a constructive role. The Opposition should be given the opportunity to put forth its views. Parliament reverberates the wishes and aspirations of the masses. Parliament's main job is to enact legislations. However, keeping in view the specific scenario prevailing in the country, it is pertinent that the members of the Opposition and also those from the Ruling Party, if required, should have full opportunity to express their views. However, the members should express their views within the parameters of dignity and decorum of the House. Is it necessary to resort to

*Original Speech in Hindi.

unseemly conduct and frequent interruptions during Addresses of the President and the Governors to the Parliament and Assemblies? Is it necessary to seek suspension of the 'Question Hour' time and again? The 'Question Hour' could be suspended if there are any grave issues and circumstances and there is consensus to suspend the Question Hour. The Opposition has to do it, but can't they raise such issues after the 'Question Hour'. Is it necessary to seek suspension of the 'Question Hour' repeatedly and to interrupt the proceedings during the 'Question Hour' and if it is not suspended, to rush to the Well of the House and to see that ultimately the House is adjourned. I would not like to go into the details as to how much precious time has been wasted and to what extent the dignity of the House has been lowered. However, all the political parties have to decide and ensure that Parliament and State Legislatures function uninterruptedly and the Presiding Officers are extended full support to ensure their smooth functioning.

As I have already stated, adequate time should be given for debate, but the debate should take place in a disciplined manner. No ugly scene should be created during the debates as it does not strengthen our democracy rather creates a sense of disrespect among the people for our representative institutions.

As far as the masses are concerned, they have reposed their faith in democracy. The parliamentary system of democracy is the very basis of our Constitution. Since ours is a multi-party democracy, the governments will change, coalition governments will be formed and therefore, it becomes all the more necessary that all the political parties make a constant review of their roles and responsibilities and strive together to add to the dignity of our democracy and enhance people's faith in the representative institutions and conduct themselves as a role model for our people.

As I have already mentioned, no such incidents occurred during the first 20 years. Was it because it was one party rule or was it because we have faith in democracy and firmly believe in the fundamental principle that in parliamentary democracy the majority party will rule and the Opposition will have full opportunity to put forth their views. The problem begins when that propriety is breached. People lose their faith in democratic institutions. If the proceedings of the Parliament and the State Legislatures are not conducted in a disciplined and dignified manner, a bad example is set before the country. A sense of disregard is created for the parliamentary democracy. This must be stopped. Erosion of democratic values should be stopped. This requires the cooperation of all, including the members of Treasury Benches and the Opposition. A political party may be in power in one place and at the same time it may be in the Opposition in another place, it has increased their responsibility. It also calls for even more restraint. What is required is to create such a condition so as to enable the parliamentary democracy to function successfully and to ensure that the faith of the people in it is steadfast and grows further. We have ushered into the age of coalition governments, and these governments have this added responsibility. It is a good thing if a single party gains majority in elections in the entire country. All the political parties are striving for it. However, the ground reality is an indicator calling upon us, that we should learn to work together. A coalition government has a duty of its own which must be taken care of. However, it does require a restraint. Of course, there is a political race now-a-days. However, every care should be taken not to allow any violation of the dignity amidst the rush. Several political parties are making all-out efforts to gain popularity and implement their programmes on the basis of their ideologies within the framework of parliamentary democracy. This is but natural and essential. Nevertheless, care must be taken that the cardinal values of parliamentary democracy are not damaged. If all the political parties extend their cooperation and support in this direction, then the task, though difficult, is not impossible to be accomplished. Such Conferences and the important decisions taken therein are definitely talked about later, but they are hardly implemented in State Legislatures and the Parliament in a proper way. This at times, gives an impression that we are just doing a formality. What is required is to come forward and implement them in reality.

Mr. Speaker, Sir, you have taken the initiative. Therefore, there has been an improvement in the smooth functioning and conduct of business in the House in the last few days. We hope that the same will happen in the State Legislatures too. Political parties are being put to test. The world considers us to be the largest democracy on earth. But at the same time, they are not ready to accept that we have been successful in solving our problems through that system of democracy. There will be political differences, it is but natural, but how it should be manifested, here comes the point of propriety of parliamentary democracy. During the elections, a large number of people cast their vote. Now when the democracy has percolated to the Panchayat level, even a person living in a village watches as to how the proceedings of the Parliament are being conducted and how the members of the State Legislatures are behaving. Therefore, we have to act as a role model for them. We have to set an example for them and the responsibility in this regard, lies on every political party and all the more so on the Ruling Party as it has to be more tolerant. But, it is also the responsibility of the Opposition not to take recourse to such steps which could harm the democratic values. I think we shall be able to take a decision during the course of this Conference and whatever decisions we take here will be implemented in letter and spirit. I hope that all parties will cooperate in this endeavour. The Ruling Party should live upto its responsibilities and the Opposition should behave in a responsible manner. There is a need to build such an environment and I am confident that this Conference will help us in achieving this goal.

Thank you very much.

INAUGURAL ADDRESS BY SHRI KRISHAN KANT, VICE-PRESIDENT OF INDIA AND CHAIRMAN, RAJYA SABHA

Hon'ble Prime Minister, Shri Vajpayee, Hon'ble Speaker, Shri Balayogi, Leader of the Opposition, Lok Sabha, Shrimati Sonia Gandhi, Leader of the Opposition, Rajya Sabha, Dr. Manmohan Singh, Presiding Officers, Chief Ministers, Ministers, Leaders and Whips of different parties in Parliament and State Legislatures, Hon'ble members of Parliament.

I feel honoured to inaugurate this Conference on "Discipline and Decorum in Parliament and State Legislatures". A similar Conference was held in 1992 with the same theme. That after nine years, it has been found necessary to convene another Conference with the participation of all those who are involved in managing parliamentary and legislative institutions, is in itself a statement of purpose. It is an acknowledgment that our parliamentary system is under stress. It needs to be urgently resuscitated and revitalised. The urge for action, however, must come from within—from our better sense, our ethical judgments, our genuine concern for the system we have so painstakingly built over the last half century and, which has placed us in the forefront of modern democracies. A time has come, for all of us, to ask the question: Have we provided worthy of the system we have given to ourselves? Some parts of the answer to this question may make us uneasy. Wittingly or unwittingly, we have dealt hefty blows to the system, rudely tried to bend it to our partisan will, polluted the wellsprings of its life energy and, offended its sanctity; and yet, the system has tenaciously stood its ground-because of us, or in spite of us, is another matter. Great philosophers and commentators on the functioning of democratic institutions cautioned against threats to democracy from myriad sources such as democratic despotism, majority tyranny, judicial despotism, etc. But even they could hardly imagine a new category of threat to democratic institutions—the subversion of these institutions by the very people who are its parts and, by implication, its protagonists.

In India, both before and after the promulgation of our Constitution, there were raging debates on whether parliamentary system was suited to India, and, also whether India was suited to the parliamentary system. Some wondered that the objective conditions for success of Westminster form of parliamentary government were conspicuously absent in India. But India was determined to prove all the sceptics, wrong.

For a major part of the life of our Parliament and State Legislatures in independent India, we set high standards of managing these sophisticated institutions. The Indian Parliament and great parliamentarians like Pandit Nehru, Sardar Patel, Maulana Azad, Dr. B.R. Ambedkar, Acharya Kripalani, Prof. Hiren Mukherjee, Dr. Syama Prasad Mookerjee, Feroze Gandhi, Govind Ballabh Pant, Nath Pai, H.V. Kamath, to name a few, were applauded by visiting parliamentary delegations and observers for sheer excellence.

So, what has happened in the last few years, that our parliamentary institutions have slipped from the commanding heights over which they once stood! Why are these hallowed institutions the subject of scathing attack from diverse quarters? Why is there an impression gaining ground that the Parliament and the Legislatures are letting down the Indian people? Why our actions

in the Parliament and the State Legislatures are frequently at variance with the expectations of the Indian people?

In the last over four years that I have had the privilege of presiding over the Rajya Sabha, there have been several occasions when members of both Houses of Parliament agreed on certain norms of behaviour and conduct. There were resolutions that the Question Hour would remain inviolate except under the rarest of circumstances. Members readily agreed to a variety of norms to regulate the working of the Parliament in order to improve efficiency and increase legislative business. Political parties and individual members of Parliament readily subject themselves to appropriating the time and the word-limit on the speeches to be made. A very high level of tolerance and accommodation is shown to the leader, both of the Treasury Benches as well as the Opposition. Discussions on important public issues take place under specific rules of business and, with modest variations, adhere to the time allotted. I must also say that political parties and members of Parliament show an exceptional level of respect and defence to the Chair. The fact that the cases of expulsion of members for indecorous behaviour are few and far between, reflects the bond between the members and the Chair. Yet, the instances of disruption of proceedings of the House, invasion of the Well, indecorous behaviour and even physical violence keep multiplying. Precious legislative time is lost and the output keeps steadily declining. Time allotted for important debates and discussions is often truncated by frequent disruptions. Legislative hours lost in the Rajya Sabha in the decade 1981-1991, was 3.59 per cent of the total time, which jumped to 10.31 per cent in the decade 1991-2001. The percentage of time lost due to disruption in the Tenth Lok Sabha was only 9.95 per cent, while the percentage for only a part of the Thirteenth Lok Sabha is 28.10 per cent. More important than the story these statistics tell are the impressions they convey, an unedifying picture of a Legislature plunged in frequent turmoil.

Two aspects, which are of relatively recent development, must receive our collective attention. One is the tendency to rush to the Well and the other is to drown the House in noise; to stall its proceedings.

Parliaments are essentially political institutions and it would be naive to believe that they could be insulated from politics. Political parties have every right to use the Parliament or the Legislatures as national transmission towers from where to let the people know what the parties are doing for the people and how are these parties promoting the mandate they receive. Problem arises when the Parliament and the Legislatures become part of the tactics and strategies of political parties to gain specific advantages. It is this attitude which promotes the tendency to look upon the Parliament and the State Legislatures as some sort of theatres and, as we all know, unregulated theatres, soon descend to become the theatres of the absurd.

There were times in our country when the national politics, the Parliament and the Legislatures created their own heroes. These were men and women of great substance, stature, probity and character. Today, Parliament and Legislatures create a new breed of heroes—the Well-rushing heroes, who hope to be elevated to instant national fame, straight from the Well of the House. The Well is the functional area reserved for the Presiding Officer, invading which is an insult and an affront to him and, by implication, to the whole House. Every member of the Parliament or the Legislature knows this fact very well.

Then, why do members feel so helpless against their own better judgements? Why do they indulge in acts, which they will disapprove in their own children? Are these the symptoms of a declining sense of values in Indian politics or are we witnessing a new brand of public morality?

Alex de Tocqueville had warned, and I am quoting: "In the heat of the struggle, each partisan driver beyond the natural limits of his own views by the views and the excesses of his adversaries, loses sight of the very aim he was pursuing and uses influences which ill-correspond to his real feelings and his secret instincts. Here arises the strange confusion we are forced to witness". A time has come to assess how far this 'strange confusion' contributes to the decline of the Parliament.

It was believed that telecasting and broadcasting of parliamentary and legislative proceedings could lead to an improvement in the behaviour of the members. It would now appear that far from improving good conduct, telecasting seems to have promoted a tendency towards dramatic acts, which frequently results in disruption of proceedings. There is tendency to extravagance of language and action. Ivor Jennings noted in his commentary on the British Parliament, "Extravagances are of course better news than plain common sense, just as death is not important unless it is a tragedy."

A budding politician was advised by his senior that in the information age everyone must learn to live by the rules set by the media, and the first rule was, 'always be on the look out to break the rules'. In the context of the Parliament, the media loves nothing more than a good disturbance. Five minutes of disturbance in the House may earn you immortality on the next morning's newspapers, while an hour-long learned peroration may not merit even a single line.

Is the anti-hero our new role model? It shall be a sad day for our country if the Parliament and the Legislatures fail to set the standards for the behaviour, the conduct and the values of our society. The anti-hero can never be a model for any society. Ours is the country, which gave the axiom of 'restraint in power and decorum in the assembly' (सभा में सभ्यता और सत्ता में संयम). We seem to violate this dictum with impunity. The values have a cascading effect and influence the minds and the behaviour of the people. Each time the Parliament and the legislatures are plunged in anarchic chaos, the edifice of democracy is a little weakened.

The Presiding Officers are frequently criticized for not using their powers to check and discipline errant members and recalcitrant parties and groups. Parliament works best when there is cooperation between the Treasury Benches and the Opposition with the Presiding Officers. If the Presiding Officer is required to frequently take punitive action against members and groups, he or she will weaken his or her arbitrational authority and expose himself or herself to debilitating criticism. He, therefore, has to perform a delicate balancing act. The overriding purpose for him or her should be the efficient and the harmonious functioning of the House rather than an ambition to be the dispenser of King Solomon's justice. His or her choices are never optimal and his or her tasks never easy. There is a convention still extant in the British Parliament that the MP who is elected Speaker is ritually pulled to his or her chair, signifying that he or she is reluctant to occupy it. In the medieval times, the Speakers often found themselves on the wrong side of the sovereign and ended up experiencing the sharp blade of the executioner on their necks. Modern Speakers are mercifully spared the sword, but they are often seared with other forms of agony, one of which is to helplessly watch the House dissolve in chaos.

The answer to the problem of offence to the proceedings of the Parliament cannot be found in the increased powers of the Presiding Officers. It has to come from the collective resolve of the MPs and the Legislators.

It shall be too utopian to surmise that the improved functioning of the Parliament can only be a sequel to the improvement in the quality of the political culture in this country, and this is a legitimate expectation. The battle for restoring decorum in the Parliament and the Legislatures is to be fought at two levels—one level is putting in place cast-iron rules about what a member or a party can or cannot do in the Parliament. The second level is voluntary action on part of the members of the Parliament and the Legislatures. In my understanding, voluntary action by members is a superior form of norm-compliance than enforcement of strict rules. It is voluntary action which lends meaning and strength to the rules. We may formulate a thousand great rules, but they will never become effective if there remains a hiatus between the individual inclinations and the conduct of the members on the one hand and the rules on the other.

Several efforts have already been made, some of which were sequel to deliberations in the Presiding Officers' Conferences and voluntary action by leaders in Parliament and Legislatures. But the wide gulf between professed goals and actual conduct never seems to be bridged.

Several recipes for preventing interruptions to parliamentary proceedings and loss of legislative time have been suggested and even tried. These include setting up Departmentally-Related Committees, strengthening the Ethics Committee, evolving a code of conduct for all political parties, training and education of the members and the like.

I have no doubt that when sincerely applied and used, these instrumentalities will, at least partly, eliminate the factors which cause disruption of the House. But, to expect these to improve the level of decorum in the Houses may not be wholly realistic. Most disruptions of the House occur in spite of the rules to the contrary. If I may say so, sometimes presence of these rules provokes the urge to break them.

I am not advocating that our Legislatures should exhibit the peace of the grave. These institutions are not meant to be 'quiet places'. How can a forum where great issues of the nation and the world are discussed and, where alternative visions of national reconstruction are articulated, be a 'quiet place'? But, these should not also become places where anarchy rules. Great institutions of the State are established for preventing anarchy. They cannot allow themselves to become its victims.

I am all for members expressing themselves forcefully and even passionately, but they must stop short of becoming boisterous, libellous and personal. They should remain mindful about keeping inviolate the institutions of the House, which are germane to its smooth and efficient functioning. I really agree that "obstruction is an ordinary part of parliamentary procedure". It should be remembered, however, that such obstruction cannot be construed to mean physical obstruction. It can only be confined to the realm of intelligent use of rules and procedures and 'points of order', discomfiting the government with hard but well argued criticism; but it should not and, cannot be, construed to sanction ruckus behaviour, anarchy, invasion of the Well of the House and violence.

Improvement in the functional efficiency of the Parliament is an on-going process to which every generation makes its own contribution. I have been personal witness to how the Government and the Opposition cooperate to make the House function efficiently and productively. Our effort should be directed at enlarging the common space for this co-operation and understanding.

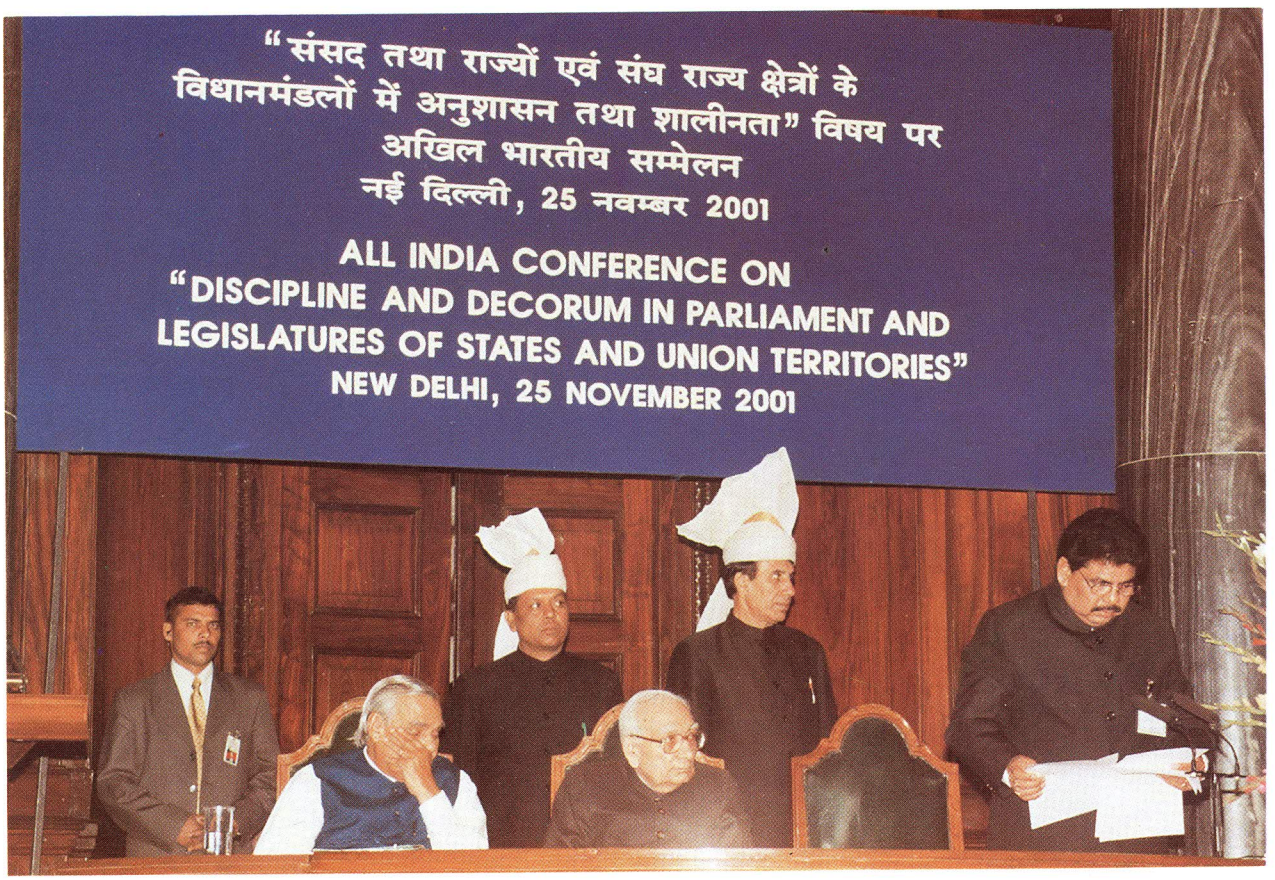
We must remember, that the spectacle of anarchy which we create in Parliament and in the Legislatures, profoundly influences the people in general, especially our young men and women in particular. The parliamentary institutions act as the wellsprings of national and societal values. What you enact in Parliament, today, shall be enacted and replayed over and over again, in towns and villages, factories and farms, schools and colleges and in every home and family. The life conditions in our times prompt men and women to seek examples, not leaders. If we wish to become leaders—and as the people's representatives that is very legitimate expectation, we must speak to the people through our personal example: an example of character, decorum, order, dignity, tolerance and accommodation.

John Stuart Mill, the great votary of representative government, believed that democratic government promoted a higher form of national character. But, he cautioned that there must be active effort to promote that character. "The test of real vigorous thinking", Mill wrote, "the thinking to ascertain truth, instead of dreaming dreams, is a successful application to practice".

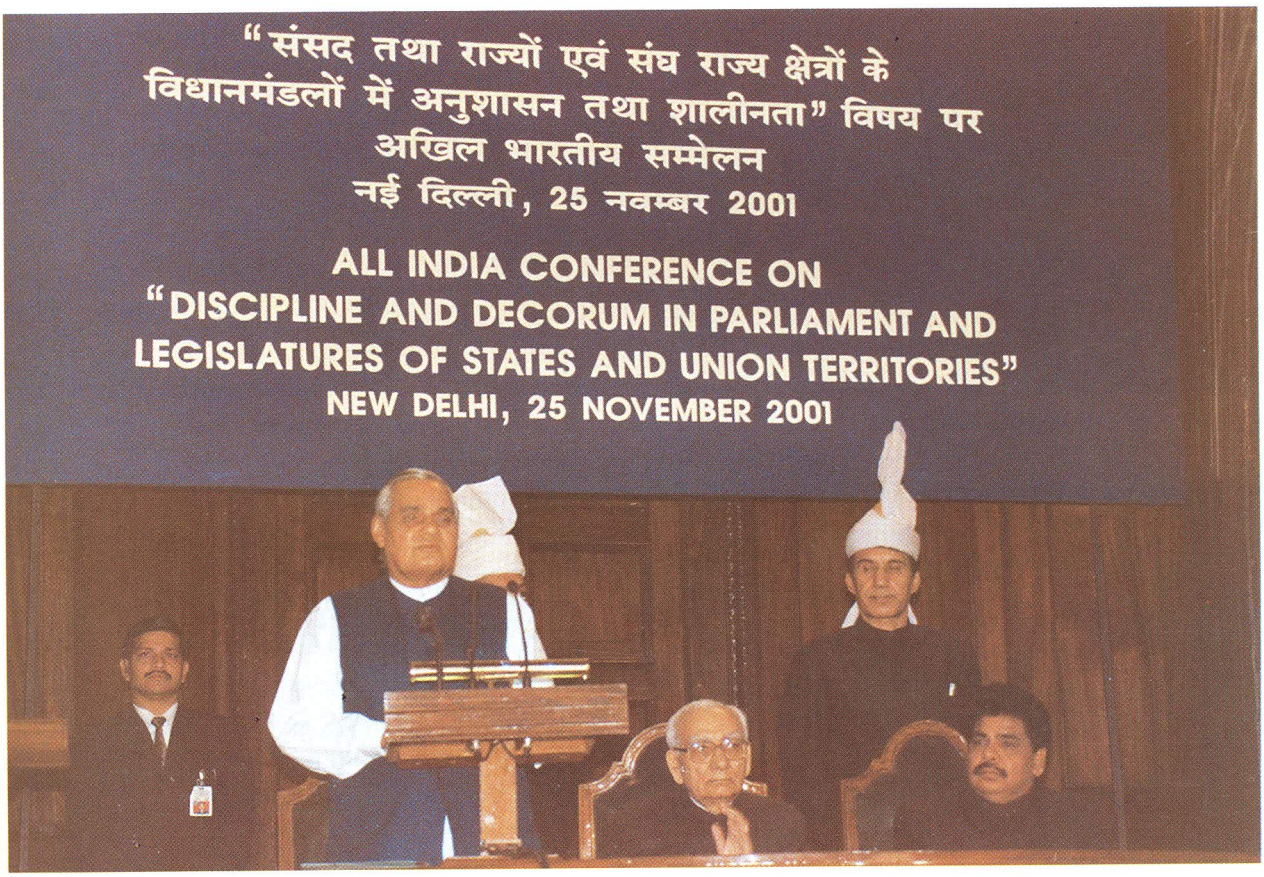
In this assembly today, it should be our effort to ensure that all our collective, constructive perceptions are translated into visible and enduring practices. That is our challenge.

You have my good wishes for your endeavours.

The Vice-President of India, Shri Krishan Kant, being conducted in a procession to the Central Hall of Parliament House for the inauguration of the Conference

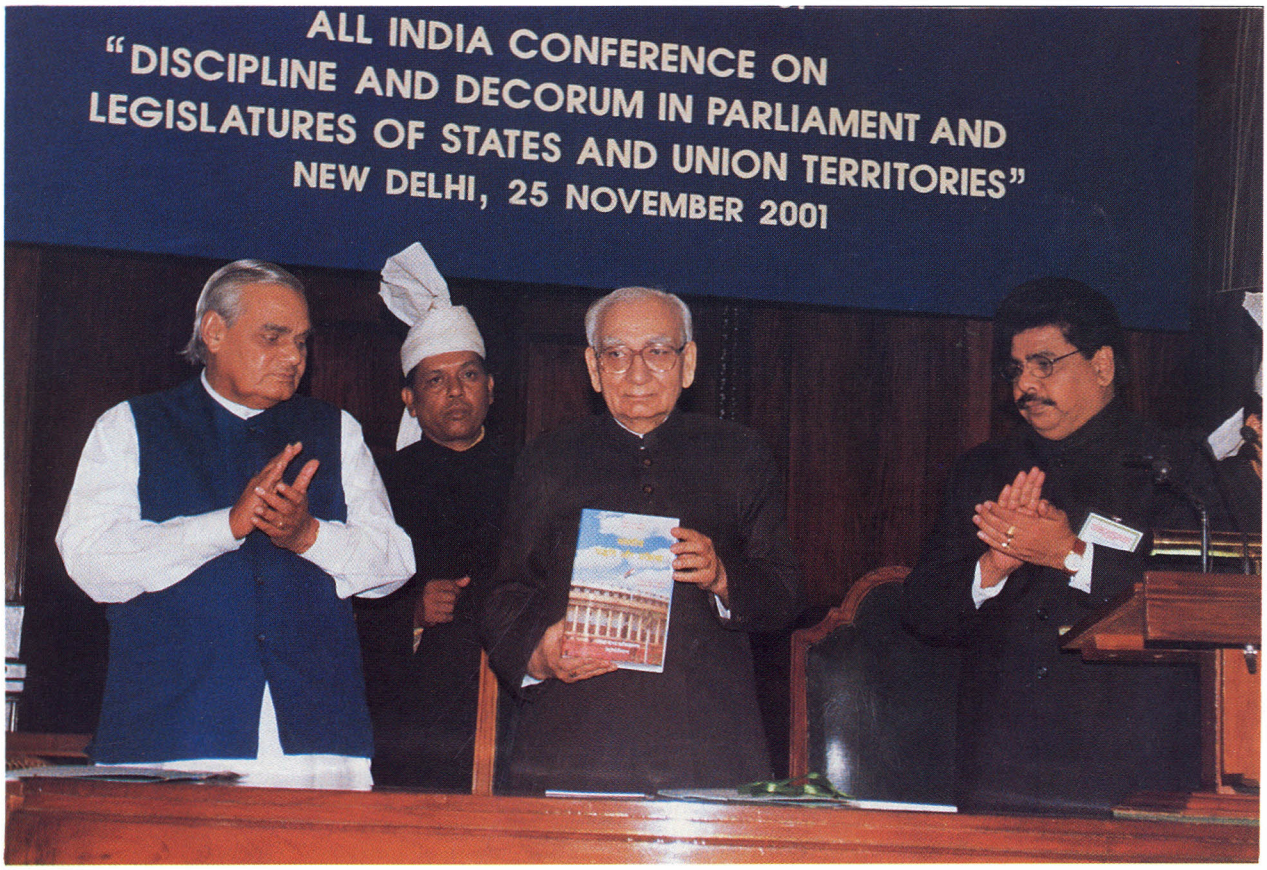


The Speaker, Lok Sabha and Chairman of the Conference, Shri G.M.C. Balayogi welcoming the delegates to the Conference



The Prime Minister, Shri Atal Bihari Vajpayee addressing the distinguished gathering at the Conference

The Vice-President of India and Chairman, Rajya Sabha, Shri Krishan Kant inaugurating the Conference



The Vice-President of India and Chairman, Rajya Sabha, Shri Krishan Kant releasing the Hindi version of the Fifth Edition of Kaul and Shakdher's 'Practice and Procedure of Parliament'

SECTION-III

OTHER ADDRESSES AT THE CONFERENCE

SHRIMATI SONIA GANDHI*

The Indian National Congress is grateful to the Hon'ble Speaker for calling this Conference at this critical juncture in the evolution of our democracy.

Democracy is the single most important achievement of independent India, a political miracle. We are among the few countries who have translated independence for our country into freedom for our people. Parliament is the symbol of that miracle. Parliament is the ultimate guarantor of the continuation and strengthening of our democracy.

Yet, the sad fact is that in the general public estimation, there is not that high regard for Parliament. The image which Parliament and the State Legislatures have projected on the public mind is one of disruption, indecorum, and shouting matches.

I do not believe this image of Parliament matches the reality. Those of us who serve in the Legislatures know that a great deal of our nation's business is transacted in the Legislatures with deep study, reasoned argument and, surprisingly often, consensual conclusions. If, therefore, there is such dissonance between the reality of our parliamentary system of democracy and the public perception of Legislatures and the way they function, it is necessary to look within ourselves to see where we might have gone wrong and what steps are required to rectify the situation. It is on this that the future of our democracy and respect for our legislature depends.

Democracy, as we all know, is not about disruption; it is about debate. We would, therefore, wish to ensure that the scope for disruption is minimised and the scope for debate widened. Much of the disruption comes from members having to jostle to secure a share of the limited time available to bring up issues which are in danger of not getting a hearing without agitation on the floor of the House. It also needs to be recognized that a great deal of disruption arises from the reluctance and procrastination of the Treasury Benches to face the House on controversial matters. Therefore, Presiding Officers need to assist the Opposition in raising issues which may be uncomfortable to the Treasury Benches. Rules of Procedure need to be creatively interpreted and, where necessary, clarified, to give the Opposition and back-bench members of the Treasury Benches every opportunity of ventilating their grievances and bringing matters of urgent public importance to the attention of the nation through the medium of parliamentary debate and discussion.

The key to obviating disruption might lie in augmenting the number of days for which the House sits. The House could perhaps sit in the forenoons on Saturdays and Private Members' Business could be shifted to these Sessions. Extending sittings up to 120 days would in effect considerably expand the scope for debate. We, therefore, support this suggestion while recognizing that Presiding Officers and Business Advisory Committees must be given a certain flexibility in this regard. Whenever any disruption occurs or the House does not meet on account of holidays or

*Leader of the Opposition, Lok Sabha.

mourning or other such occasions, the lost time could perhaps automatically be compensated for by longer sittings of the House or additional working days.

To minimise disruption, there must be an absolute ban on entering the well of the House and the automatic enforcement of strict disciplinary action in the event of this fundamental rule being breached. I strongly feel that any disturbance during the President's Address should be disallowed.

We must strengthen the working of the Committee System. The Background Papers circulated to us have made very useful recommendations on this matter. There is also the matter of Demands for Grants that very often get guillotined. There must be a basic core, agriculture, social welfare, education, defence, for instance, where Demands for Grants should not be passed without a full-fledged debate.

The question of giving more powers to the Presiding Officer to take disciplinary action also needs consideration. He often has to obtain the approval of the entire House or await the recommendation of the Privileges Committee before taking action against erring members. But now, when blatant disturbances take place in the presence of all members inside the House and the House itself is witness to the disturbance, there should perhaps be no need to refer the matter to the Privileges Committee for further investigation.

At the same time, we have to remember that the Legislature is not only a forum for debating important issues but it is also meant to absorb shocks generated in society from time to time. Therefore, there ought to be flexibility for members to vent their genuine feelings in the House on highly emotive issues, or else these emotions may well spill out on to the streets.

I also wonder whether there might not be advantage to consider radically re-organising the standard sequence of business in the House. For example, could not Question Hour be shifted to the evening? This would enable the House, immediately on assembling in the morning, to take up for debate issues of public importance, whether moved by Government or by members. Apart from thus emphasising the priority of matters of urgent national importance, and ensuring that disruption does not pre-empt media coverage, such a move might also contribute to Question Hour not being abandoned, as so often and most regrettably happens at present.

A word about the media. The reporting of Parliament in the media is crucial to public perception of the functioning of our Legislatures and creating an informed public opinion. The media cannot and should not function like a Government gazette blindly recording all that goes on. Selection is the essence of determining newsworthiness; and as the disruption of order is the basis of news worthiness, it is inevitable that when the House is thrown into disarray it receives more media attention than when it is going about its usual business in the usual way. The media is not to be blamed for this but we have to devise ways in which the general public are able to access proceedings in the House when serious matters are being seriously and purposefully discussed. Therefore, this Conference might wish to consider practical steps for projecting through the visual medium the serious business of the House to the serious viewer.

It is true that guidelines for conduct already exist. There are many written and unwritten customs and conventions as well, which, unfortunately, are rarely followed. Even so, I do believe that we, as a political class, need to give thought to an explicit code of conduct for legislators both inside and outside the House. I accept that ultimately political parties themselves should guarantee discipline and decorum on the part of their members but a code of conduct will also have a salutary sobering impact. We can certainly try and legislate discipline and decorum but I do feel the fundamental requirement is for a government that seeks consensus and co-operation. It is when governments behave arbitrarily and try to impose their will without discussion, it is when governments consider dissent as 'anti-national' and they approach the House with a closed mind that serious problems arise in the functioning of the Legislatures. We have a collective

responsibility, no doubt; but that extra responsibility falls on government. Speaking for the Congress Party and myself, we have often extended support to the government. We have followed a policy of "constructive co-operation" although many believe that the basic rule of parliamentary democracy is, "where you stand depends on where you sit". We have not followed this rule in the national interest.

Finally, while appreciating the Hon'ble Speaker's initiative once again, may I end by expressing the hope that will concretize a plan of action soon. There have been conferences and seminars. There have been many such conferences that have been held earlier. What we need and what the people of India expect are specific steps to restore to Parliament and Legislatures their diminishing dignity and lustre.

SHRI CHANDRA SHEKHAR*

The problems being faced by our parliamentary democracy are not due to flaws in our traditions. The suggestions to change the traditions seem attractive and such suggestions are coming thick and fast from many quarters. These traditions are time tested and well thought out. We have been following this system for more than fifty years and we did not face any problem in conducting the business of the House. During the first 20 years, we faced no difficulty in conducting the business of the House. It was because we knew how to respect each other. There used to be differences of opinion but we used to think twice before casting an aspersion on anybody. Today, we do not see even a shadow of such caution.

I may be excused for saying that when the Government and Opposition have unanimity on basic questions then they resort to shadow boxing for public consumption. I am saying so, because on economic issues, there is no difference of opinion between the Opposition and the Government, but they adopt a path of confrontation just to show their differences which is a matter of great concern.

I made my maiden entry in to the Parliament in 1962. I was in Rajya Sabha and once, over a small issue, I made a certain remark about the then Prime Minister and sought permission to raise a question of breach of privilege against him. At that point of time, the great leader of the country, Pandit Jawaharlal Nehru was the Prime Minister. When the then Chairman of Rajya Sabha, Dr. Zakir Husain tried to ignore my request, the then Secretary General of the Rajya Sabha stood and said that if a member wanted to raise a question of breach of privilege, then he should allow him. He gave me direction to raise the question next day. I raised the question, which was a general one. I remember that gesture of Panditji even today. He said, "Mr. Chairman, Sir, I was giving reply on the basis of memory, my memory has betrayed me. I regret the wrong statement made by me". This was the tradition of the Prime Minister of the country.

Now, I mention about Shri Bhupesh Gupta, the Communist leader who was always critical of the Government's policies. I was in the Praja Socialist Party at that point of time. One day, I criticized him severely. It was such a severe criticism that if it is said about somebody today, then God knows what would be the reaction. At that time, Bhupesh Gupta stood up and congratulated the leader of our party for having such an intelligent member. This was the kind of mutual understanding existing earlier. No doubt, we had had differences. There is no talk today on differences of opinion. Today, the topic of discussion is how one behaves, who has been involved in corruption and to what extent he is corrupt and the like. I had said in the Parliament on the occasion of the Special Sitting to commemorate the Fiftieth Anniversary of India's Independence that 90 to 95 per cent people of the country feed their wards with honesty and 5-10 per cent people have a chance to commit corruption. But the same issue is being raised the world over and our Parliament is discussing the same question, day and night. Whenever the issue of corruption was raised in the Parliament, I had said time and again that it was not a question to be raised in the Parliament, and that it should have been left to the

*Chairman, Committee on Ethics (Lok Sabha) and Former Prime Minister of India.

police inspector. No one paid any heed to it at that time, but when a foreign government refused to hand over papers to them and said that it would give these only to police officers or to the court, then from that day the debate was put at rest. Don't we think that the issues of hunger, water, poverty and helplessness are before us?

I would like to submit that the jurisdiction of the Parliament is narrowing day by day. Our rights, not personal one, but rights of the Legislature, are being reined in every day. We tend to forget that it is not the resolutions passed in the Parliament, nor the verdicts of the Judiciary that result in revolutions. The people are forced to take to the rebellious path when their hopes and aspirations are not met. Today, the crisis is not due to external factors, it is not about the system or the established norms, the crisis is due to our conduct. The crisis is due to our way of functioning for which all of us are responsible. The maximum time of the Parliament should be spent on the basic issues affecting the nation. If we reduce our personal differences, grudges and vendetta, then we could make our parliamentary democracy and our Parliament more effective. We have seen as to how we waste our time on small issues and neglect the basic issues of the people. This neglect is a crisis for us. We ourselves are creating this crisis. The cure for this crisis is in our system of functioning and thought. Therefore, we need to change this way of thinking.

DR. (SMT.) NAJMA HEPTULLA*

As I stand here before this august assembly to discuss the most important issue of keeping the decorum and discipline in the Parliament which is almost endangering our democratic institutions, I am thankful to the Hon'ble Speaker for arranging this Conference in this august Central Hall of the Parliament where our Constitution was discussed and adopted.

The word "Parliament", as we know, is derived from the French expression "Parlevu"—that is, to speak. And to speak in Parliament is the right of a member to articulate the concerns and aspirations of the people whom he represents.

Democracy is not only about tolerating but also accepting and accommodating diverse views. Parliament provides the forum for the convergence of different viewpoints into a consummate ideology of governance. Pandit Nehru considered that in a democracy, the majority should be the trustee of the minority view.

In a diverse country like ours, democracy is the only system which could be representing the divergent viewpoints of our people. A democracy, to me, has to be participatory, inclusive and interactive. Our democracy is inclusive as it gives representation to the various sections of society. Such a democracy has to be not only tolerant but patient to hear the divergent viewpoints expressed on the floor of the House.

But, sometimes, I feel, with an experience of almost 15 years in the Chair, that our democracy is not very interactive and participatory and patient. And that is the reason that we see a lot of acrimony and adjournments.

I know democracy is very expensive because every minute lost in the Parliament is a loss to the exchequer. But it is the only way to governance, which can be adopted in our country, as dictatorship may be monetarily cheap but will be very expensive as far as the fundamental rights and freedom of expression are concerned, which we are not prepared to relinquish.

People must realise that Parliament is not only about parties and politics. It is not only about forming and defeating the Government. It has a much bigger role. It is about holding the Government accountable and transparent. It is about seeking authentic information from the Government. If Government does not provide full and credible information in the House, it not only undermines the Parliament but also gives a chance to rumours and misinformation.

Having said that, the Opposition also has certain responsibility and commitment for meaningful debate and to maintain the decorum in the House. In the Parliament, we expect the rules to confine our own liberty to speak in order to protect the right of our colleagues even to differ. Compassionate articulation of views is a virtue in a parliamentary democracy. It has been my experience that on most of the occasions, Parliament does adhere to these rules. In the last few years, we have noticed more heated and agitated behaviour not only in Parliament but also in the State Legislatures. We also have to analyse the reasons for this agitated expressions by the members.

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*Deputy Chairperson, Rajya Sabha.

Parliament and the State Legislatures are representative bodies of the electorate. But, of course, if the conditions in the country are explosive, they are bound to reflect in both the Parliament and the State Legislatures. The print media, and specially the visual media in the form of televising the proceedings of the Parliament, in my opinion, has not helped in keeping the dignity and decorum of the House. In fact, every slightest action is magnified out of proportion to the viewers.

The job of the Presiding Officers is not only to keep the decorum and adherence to rules when members make their point. Many a time, they have to give rulings on very important and serious issues. I would only quote two out of my several experiences in the House. One was when India signed the Marrakech Agreement and brought it to Rajya Sabha where the then Government did not have the majority; the Opposition wanted to discuss it under a Motion which had to be voted upon. After deliberating on it for some time, I gave the ruling that according to our Constitution, the Parliament was not authorised to ratify any agreement or treaty signed by the Government; hence, the Constitution did not give the Parliament the right to reject it either; but, of course, they could discuss it in any other form.

Another occasion was a more serious one. An Hon'ble member, who was also the lawyer for an accused in a major scam, wanted to speak on the discussion related to that subject which was objected to by some members. My ruling was that since the Hon'ble member was a lawyer of the accused and also a member of the august House, propriety demanded that he should voluntarily restrain himself from speaking on that subject to keep the dignity of the high office he held. The member accepted my ruling and complied with it.

As the President of the Inter-Parliamentary Union, at the time of the Millennium Assembly of the United Nations, we organised a conference for the first time in the history of 112 years of this organisation, a Conference of the Presiding Officers of more than 140 countries. The Preamble of the United Nations starts with 'we, the people'. In fact, it is we the parliamentarians who rightfully can say that we are the representatives of the people. So, 'we, the people' should have a parliamentary dimension at the United Nations discussions. The Conference was also addressed by the Secretary-General of the United Nations.

As the President of the Inter-Parliamentary Union, we also organised the Conference of Euro-Mediterranean Speakers last year in Egypt to discuss similar issues. One issue which concerned everyone was the apathy and dislike of the youths and professionals towards politics and politicians. How can we sustain democracy if the most imaginative and ambitious segment of the society gives up its stake in the society? Even in our own freedom struggle, youths and professionals participated and provided the intellectual foundation. We felt that perhaps we do not measure up to their expectation and we must try to make amends.

This year at the Hague, at the Conference on Transparency and Accountability organised by the IPU and Transparency International, the issue of corruption in politics was discussed in great detail and the focus was on accountability of the politicians towards their electorate. I would like to say that it is not only the decorum and discipline within the House that is essential, but the conduct of politicians outside is equally important. Hence, we have constituted the Ethics Committees in both the Houses of Parliament. It is our responsibility to keep our democracy accountable, participatory, interactive and inclusive.

We must ponder over these issues seriously. I cannot conclude without mentioning the existing deficiency in the inconclusiveness of our democracy when 50 per cent of our population—that is, women—are not adequately represented in our Parliament. As politicians, we should become the role models for the society. Collectively, it is up to us not to deprive our society of its ideals. At the end of the day, we are all comarades and colleagues. There could be diversity in our views, but there is no divergence in our objectives—that we should abide by the high prestige of the institution; and we are united in our purpose to protect the ideals of parliamentary democracy.

Mr. Speaker, Sir, there is no restriction of quorum in this Conference so the bell will not be rung after the lunch break. However, on the basis of my own experience of two years as Minister of Parliamentary Affairs, I can tell you that leave aside the matter of discipline, there is hardly an occasion when bell is not rung for quorum after the lunch break and when the members have not been personally urged in the Central Hall to come to the Chamber of the House. The Hon'ble Leader of the Opposition, Smt. Sonia Gandhi just said that the Question Hour should be taken up in the evening. My request and suggestion is that in regard to quorum we should adopt the same system as is prevalent in New Zealand. There, only two persons—the Presiding Officer and the Minister of Parliamentary Affairs constitute—the quorum.

Mr. Speaker, Sir, we are the largest democracy in the world we say it with a sense of pride but we cannot take credit for it. Since China, the largest populated country in the world does not have democracy, we are automatically the largest democracy in the world in terms of population. However, we have assembled here to find out whether we are ideally the most disciplined democracy in the world and if you really want to know the answer to this question, visit Parliament House during the session period at about two or two-thirty in the afternoon. There you will find school children in the precincts of Parliament House who have come out after watching the proceedings of the House at 1100 or 1200 hrs. and there they have seen the Presiding Officer requesting the members frequently to take their seat and yet they stand. Just ask any 8 or 10 year old student about it and he wonders how the Presiding Officer allows such a behaviour where as in school if the teacher tells them to sit down, they dare not stand up.

Mr. Speaker, Sir, 20 years back when I went to America, a friend of mine took me to a hotel. The name of the hotel was Eighteen Hundred. He told me that the hotel was two centuries old, something like our own ancient democracy. Rules and regulations of the hotel were written outside and I started reading them. The first rule was that women were not allowed. The second rule was that pets were not allowed. The third rule was that drinking was not allowed and the fourth rule was that smoking was prohibited. But what I actually saw was that women were there, pets were there and people were freely smoking. Then I saw below the rules it was written in very small letters that the above rules are not applicable to this restaurant. I fear, we may also have to write in the similar manner that the rules which we frame do not apply to the framers.

A train started arriving frequently late at a particular station. Someone asked the railway official on duty about the use of keeping time table and he was told, that had the time table not been there how could it be known that the train was arriving late. Similarly, rules are perhaps framed to know as to how many times they are violated. So, Mr. Speaker, Sir, my first request and submission is that there is no need of framing new rules and holding fresh conferences. Such proposals have been put forth for the last 25 years. The main problem is that those proposals are hardly implemented by us. And when I say so, I say it irrespective of being either in the ruling party or in the Opposition, because no political party can claim that it

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belongs to the Treasury Bench or the Opposition. All the major national political parties who are present here, are either in power or in the Opposition in three or four States. Unfortunately, we all have double standards and nobody is an exception to it. Wherever we are on the ruling side, we expect the Opposition to sit quiet and wherever we are in the Opposition, we want the ruling side to take all the responsibilities. We do not discharge the responsibilities we are assigned, rather we perform the opposite role. We never care to perform well our assigned role in the House.

So unless we stop adopting double standards, we are not going to achieve anything. We repeatedly say that we should not interrupt the President's and the Governor's Address. How many times should we reiterate it? We sit here and hear the President's Address. We all know that the President's Address is not the speech of the President himself. It is a speech of the Government. He does not decide what to speak or what not to speak. Now, when the decision has not been his own, it is of no use to stand here and criticise him on why the Address does not mention about this thing or that thing. He can only express his helplessness because under the Constitution, it is obligatory for him to read out the written Address as it is. We know that a discussion is going to take place on this issue after an hour, but we do not have the patience.

Mr. Speaker, Sir, I have no objection if the timings of the Question Hour are fixed in the morning or in the evening. If Question Hour can be fixed for the evening, then may be there is quorum throughout the day. I am always concerned about the quorum. As such, if the Question Hour is fixed in the evening, I have nothing to worry about that. We all had decided not to allow the Question Hour to be suspended unless there is a full consensus but even then we are on our legs during the Question Hour. I am not blaming any individual. During the Question Hour, we stand up only because a number of journalists remain present at that time. When it is one o' clock or one-thirty, nobody remains present in the House or in the Gallery. Nobody has come here to teach others and nobody cares to learn. Here one's opinion or the views are not changed. However, views are expressed here only because they are published. So if we would speak without caring for whether it is published or not, then 25 to 30 people would be there, they would listen to us attentively. It may be that ten out of them may belong to us and five may belong to the Opposition. As such, the question does not relate to the rules and issues. If you have the rule that when the Presiding Officer is on his legs, we should not stand up, that would be a nice thing. We have seen that many senior members do not follow this rule. In the Thirteenth Lok Sabha I have seen that members do not sit in their seats, even though there is a rule that a member should occupy the seat that is allotted to him or her.

Mr. Speaker, Sir, discipline is not something that can be created by speeches. Wherever you see any traces of discipline, that is all created by smaller rules. The reason why there is discipline in the army, is that they walk together and stand and sit together. They follow such rules. So even smaller rules are very important. We should pay respect to the Hon'ble Speaker, we should say *namaskar* when the Speaker arrives and we should not intervene when any member is speaking. These are all very small rules *per se*. That is why I have said that we should implement three, four or five points by the year 2002 and then we should call a meeting and discuss big rules in the year 2003. In my view, we must observe these three or four small rules.

In brief I would like to speak two more points. One is about the Presiding Officer because it is the first occasion that I can say something about any Presiding Officer. I would like to request the Presiding officers that they remain impartial. On a number of occasions, we see that whatever powers are entrusted to them, whether any discussion is covered under those powers or not, that is decided by the Opposition and the Ruling Party together. Why do such things occur, if there are rules, and the discussions stand covered under those rules, then the Presiding Officer should straightway speak to the Ruling Party or the Opposition, that the discussions stand covered under such and such rules and as such discussion should take place, and if it does not stand covered, then he should say that the discussion does not stand covered under the rules. When any member obstructs frequently, the Chair should use his powers, if any, given to him, with due restraint. Who can show more restraint than the Presiding Officer?

As such, discipline cannot be created merely by speeches. The Presiding Officers would have to be more rigid. Whatever powers have been given to them, they will have to use those powers and if they do not use their powers, and if they will sit like non-playing captains, then there can be problems in maintaining discipline.

I agree with the statements of the Hon'ble Vice-President and the Leader of the Opposition, Smt. Sonia Gandhi and I also do not put the burden of our mistakes on the media. But the media plays a vital role in democracy. As I have already said, we do not make speeches in the Lok Sabha, Rajya Sabha, Legislative Assembly and Legislative Council to influence one another's opinion. We make the speeches so that the same could reach the public through the media. If the media also suggests anything good while discharging its responsibility in reaching to the masses, then it would be good. If it is published that the papers be torn and not read, then people will not read but tear them out.

The Hon'ble Speaker and the Hon'ble Vice-President have talked about the time lost in the legislatures. I have to submit my viewpoint while taking the side of all the members of Parliament, including the Opposition. There is no time lost in the Thirteenth Lok Sabha, not even a single minute. You will be surprised that there is no time lost at all. Time lost is compensated by time gained. Members have sit up to 12.00 midnight. They have completed their business. The news regarding adjournment of the House is published but when we sit up to midnight on any day to clear any Bill, then I have not seen any editorial published in praise of the House that the members sat up late into the night and passed the Railway Budget. As such, I think that not a single minute has been wasted in criticism in the Thirteenth Lok Sabha. Whatever time has been lost, has been compensated.

DR. FAROOQ ABDULLAH*

In 1980, when I was elected as a member of Parliament for the first time, I enquired as to where Jawaharlal Nehru, Sardar Patel and Maulana Azad used to sit in the House. I was happy to get that opportunity to do something for India. Excuse me if I say so, but while sitting in the House, I never felt that we are the ones who could really build India. What I found was that we were more concerned about making our own fortune. Attempts were made to pull down the Governments and not to strengthen them. At one stage there was a move to introduce the Presidential form of Government in India. But there was a hue and cry and it was argued that a new type of rule would thereby be perpetuated. Meanwhile, several members were found to keep shouting. They did not allow any other member to speak and I used to think as to when such a time would come when these members would have the patience to listen to the views of other members.

I used to request several of my friends with folded hands to listen to the views of other members also. At the time of passing of a Bill, when I asked some members as to what the Bill was about, they frankly showed their ignorance saying that they had been instructed to raise their hands or push the button in favour of the Bill or against it. If somebody had to be criticised, the speech was drafted in advance and the instruction followed that there should not be any deviation from the written speech. What kind of future India can be built on the basis of all these things?

What to talk of the debates or rules? Who cares for them? We are here to violate the rules. I have myself experienced all these things. We all remember what happened in the Uttar Pradesh Assembly. It all came on TV—how mikes were broken, how violence took place inside the House. Is this the performance of the elected representatives of independent India? If we want to change or criticize the government, is this the way of doing so? The Parliamentary Affairs Minister, Shri Pramod Mahajanji has made a very important comment. He has said that we behave in such manner as to catch the attention of the print media. If our statements are not published in the newspapers and are not covered by *Doordarshan*, that would go unnoticed. The situation that we are in now and the direction we are moving in, all that leads towards our destruction. Howsoever we may criticize the media, the fact remains that if there had been no television, then how could we know what we speak, what we ask and what reply is given. The replies to the questions are written by our secretaries; at times, they write such things at certain places that create misunderstandings and they also write an amazing thing that the information is being collected. That information is not made available even in three years' period. The fault lies with us because we do not understand what our responsibility is. If we understand what our duties should be, then there is no need for framing any rules. My party may win or lose, but the country should survive and progress. If we had such a feeling, then I think there would not have been requirement of this effort. However, we try to topple one Government and bring the other to power and for that purpose we do all these things which render the rules ineffective and then we call such conferences where we discuss as to how we should work. If we do not like

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something, if we do not like any statement, even then, should we not have the patience to listen to all that? We must have the patience to listen, especially when we are in the Government. Have the patience to listen and have the patience to reply. But whenever there is a time to listen to others with patience, one or the other member would try to interrupt and disturb because no good news will be printed in the newspaper. What will be printed in the newspaper is the bad thing that you do. And today, we, the politicians, when we look at the newspapers, we find that it is only the bad things that find mention in print. How well was it said that you may sit for 13 hours, you may sit for 14 hours and nobody will mention that you sat for 14 hours. But the six hours' disruption that you made and the crores of rupees that you cost to the country will be printed. Then, we the politicians, are represented before the people as the crooks of the world, in the greatest democracy on this earth.

The people who made the Constitution, who signed the Constitution, were great people. The greatest leader of this nation, Pandit Jawaharlal Nehru ushered in the Industrial Revolution. Another great leader, Smt. Indira Gandhi brought in the Green Revolution. But one revolution—I would never forgive anyone—we did not imbibe into our people was that there are responsibilities that go with the freedom of the nation. When you are building the nation, you have certain fundamental responsibilities; you do not have to only ask. Remember what Kennedy said: "Ask not what your country can do for you—ask what you can do for your country".

A Code is being formed before us. There are many codes that have come before. None of these codes would matter unless we realise that we have to build this nation. If we have to build this nation, let us resolve that we will have the patience to listen and then have the courage to answer. We do make mistakes. Let us not forget that we are not God. We are bound to make mistakes somewhere. We must have the courage to answer for those mistakes and accept our mistakes. But if we do not accept our mistakes, we are not going to build a nation and that I feel is essential for our people.

Let us resolve today that we are going to build a nation, a nation which will understand each other, with all the diversities that we have, that we would build a tolerant India, tolerant of everyone and that we shall fight for the rights of the people, but fight in moderation, not jumping into the Well of the House or shouting.

We have to control our emotions if we have to build this nation. If we do not, I want to ask the leaders of the parties as to whether they have ever taken serious action against members who have broken the rules or is it that they have told them that they must break the rules? I have not known to this day anyone having been punished for doing something which was not parliamentary. I think, let us start from here. With all these rules, let us make it clear that any member, from now, whether in Parliament or in Legislatures, if he goes out of the line, the party must take action so that a lesson is taught to the next one who is going to come to Parliament or Legislatures that you have no right to be here if you are not disciplined.

SHRI HASHIM ABDUL HALIM*

The subject we are discussing is an oft-discussed subject—discussed in our own country and also all over the world. Hon'ble Shri Shivraj Patil, when he was Speaker, Lok Sabha, endeavoured in his own way in 1992. We met in this Hall. We had very good discussions. A code was formulated. But nothing came out of it. Why? The main reason that I have understood—I have said in many symposia, conferences and gatherings—is that culturally and basically, we are not prepared to be parliamentarians.

To be a parliamentarian is a culture which has to be imbibed. The first principle is voluntary submission to certain norms. We are not willing to submit to norms. The reason is that political parties select candidates who can get votes to win but who may not necessarily be good parliamentarians because those who want to be in the ruling party have to arrive at a magic figure of over 50 per cent plus one. If they do not get that figure, they do not come into power. So, they have to get hold of those people who can take them to that magic figure. Whether they are good parliamentarians or not, whether they need mafia support or not, whether they are anti-socials or not, is not at all relevant. My party has to come to power and I have to adopt all those means that will bring me to power. The result is what is happening today. Basically, we have to understand where the rot is and how you are going to cure it. Parliamentarians can only be made, procured and produced if political parties want parliamentarians to be in the House. If political parties want numbers and not parliamentarians, what is going on will go on. Nothing is going to come out of it. We will have a code of conduct. We will go back to our respective States and, again, we will do merrily what we are doing and there will be no change.

Why do defections take place? That is the basic malaise in our parliamentary system. Shri Pramod Mahajan, Minister of Parliamentary Affairs was saying: "As soon as someone is nominated as Minister of Parliamentary Affairs, his face falls." Is it the question of a 'wet' or 'dry' department—non-profitable? If one is made a Speaker, he is unhappy. A lot of Speakers are unhappy. If one could not get anything else, make him a Speaker. Why? He will always be trying to be a Chief Minister. The cases of toppling the Chief Ministers have been going on. Why? What is happening to us? What are we doing? The basic remedy lies not in the system but in people who run the system, namely, in us. We have to cleanse ourselves.

I agree with the respected Leader of the Opposition in Parliament that Parliament will not be a very silent place. Silence is only in cemeteries and graveyards. You cannot expect silence in Parliament. Parliament is where people's grievances are placed or raised. Certainly, emotive issues may be there. It is good that sometimes some noise does take place in Parliament, but there has to be a limit. One has to know what the limits are. One has to submit oneself to those limits and come down to a debate and discuss the issue. I would not want a Parliament where everybody came regimented, sat down in his seat, and when someone proposed, raised his hand and went home. That would not be a Parliament. That would never be a Parliament.

*Speaker, West Bengal Legislative Assembly.

Parliament will be where there will be heated discussions, where there will be debates. On certain occasions, on very emotive issues, there may be certain acrimonious scenes. But everything has to be understood within certain limits.

As I said, there shall be voluntary submission to certain norms. We have to submit ourselves to those norms. The day we can do that we would find that the system has corrected itself, it is working, it is healthy and it is productive. It is not a question of how much time you spend in Parliament. Spend two hours, spend it well. You spend hundred hours, but not spent well, it would be of no use. Spend two hours, spend it seriously in the interest of the people.

Why so many people are suffering of unemployment, floods, ravages, shortage of food, electricity, diseases, drought and so many things? What is happening? Are the people happy when they see these things? Some members feel that they behave in that way because they represent that constituency. I can assure those members that in my Assembly, most of those members who have behaved in that way have lost over the years. They have not been returned. Most of them have lost. People do not support it. People want better produce, better product, and better participation. They want contribution.

I am sure if this Conference can bring about that change, I will be the happiest man on this earth.

The speeches delivered from this dais so far, are very meaningful and significant and if we are able to implement the same, then our parliamentary system will certainly function very smoothly and the objective of my speech will also be achieved.

With due deference, at the very outset, I would like to submit before all the leaders present here that whatever is being said here, should not be construed as if our parliamentary system is in shambles and whatever we contribute is of no use. Indeed, at times, there have been certain unpleasant occurrences in Parliament and the State Assemblies which are not appreciable. However, if we see our achievements *vis-a-vis* our shortcomings, we can derive solace from the fact that despite our mistakes, we have been able to perform a good job and we have set a good example of parliamentary democracy and we have earned laurels. If any thing wrong occurs in the House, it is the Presiding Officer who is affected the most. It is the presiding Officer who has got the right to complain. When I had the opportunity to act as the Presiding Officer, I never felt that whatever was happening in the House was of no use and nothing good was being done. Nevertheless, I felt that there is scope for further improvement, some changes are required to be made in the rules and the systems and, above all, our approach towards life has got to be changed. I am saying it because all the leaders present here in the House seem to be saying that everything is bad but this message should not go across the country and abroad that our parliamentary system is no good.

It seems to me that we need to change our rules pertaining to the practice and procedure. These rules were framed long back and today the scenario has changed altogether. In their entirety, the rules are good and much need not be changed. However, I do feel that there is scope for changes in these rules and it should be done. We have to think over other ways and means as to what can be done in this regard.

As we have seen, the time we get to put forth our views in the House is very limited. Hence, several members very strongly feel that they do not get adequate time. Therefore, we have to see how we can better utilize the time available with us and what is the procedure being followed in other countries in this regard. In Parliaments of Europe, America and several eastern countries, the speeches by the members are not delivered extempore; instead members read out the text of their prepared speeches. When prepared speeches are read out, much can be conveyed in only two minutes time. When debates on crucial issues were held in other countries and the members were given two minutes' time to put forth their views and when they read out their prepared speeches in two minutes' time, then a lot of knowledge and information was given through these speeches but when the members spoke extempore, even on important issues it did not have much content.

When speeches are delivered extempore, then several facts are repeated and time is wasted; moreover, repetition does not leave any impact whatsoever. Therefore, I would appreciate if members are permitted to read out their prepared speeches. As per the existing rules, members cannot read out from the prepared speech and if one wishes so, he or she has to seek the permission of the Presiding Officer. Why can such a rule not be changed? Such rules can be

*Chairman, Standing Committee on Finance and Former Speaker, Lok Sabha.

amended. We are delivering speeches here from the podium, but members in the House deliver speeches from their seats and in that no objection can be raised if any question is put or any interjection is made. If we come over to the podium to deliver our speech, then its impact would be greater. When such practice exists in European and other Parliaments, then why cannot we adopt such a practice here as well?

Some members as well as the Prime Minister has said that the functioning of the House was smooth in initial twenty years and thereafter certain shortcomings crept in. I want to say with due respect, that ever since the Zero Hour has been introduced in Parliament, disruption of proceedings have become more frequent in the Parliament. It was not there during the initial 20 years. When I got the opportunity to discuss with the people who had introduced it, they told me that since they had introduced it, they would not allow it to be discontinued. The introduction of Zero Hour in the Parliament has lowered the dignity and decorum in the Parliament. We all know it well that the Question Hour should not be suspended. That is why such interruptions do not take place during the Question Hour. When we discuss the budget, we observe utmost discipline. When we discuss Bills, not many members remain present at that time and there is discipline. But there is disruption of proceedings during Zero Hour and members try their best to participate during Zero Hour. Sometimes good discussion takes place during Zero Hour. I admit it, but it is not so always. During Zero Hour, members from all sides are seen on their legs, trying to speak and at that time we cannot make out what any member is saying and our friends who are recording the proceedings are not able to note down properly as they are not able to comprehend anybody's statement. Even the concerned Ministers are not present in the House to give the reply and whatever they say is like a cry in the wilderness. Sometimes their submission appears in the newspapers but that has no meaning. We must think over as to how the Zero Hour is to be treated. There are a number of issues which should be dealt with on a priority basis and should be discussed in the Parliament. But if we want that every day there should be Zero Hour discussion, and that too about our own constituency and on small matters which can otherwise be taken up in the Police Station or in the Court, such discussions can never elevate the dignity of our House, or quality of its proceedings. We had tried that Zero Hour should be taken up either in the evening or as the first item so as to avoid disruption, but that could not be done.

I would like to submit that we can change our rules in this regard and in regard to so many other things. We have adopted the Committee System. It has got certain good points and certain shortcomings. I feel the shortcomings should be done away with. To bring about changes in the rules is the need of the hour. And we need to seriously take into account as to where the changes are required. This can definitely lead to a better functioning of the parliamentary system, if not completely but at least to a large extent. However, that will not suffice. What is all the more required is to have the right attitude to work on our part. We should leave room for multiplicity of arguments and accept that what others are saying may also be true. If we do accept others' views with humility, that will surely raise our standard.

The third point is that if we do not give due importance to legislation, to budget and other related important subjects and keep pondering over petty issues, then there cannot be improvement. If the Five Year Plans, subjects relating to the Ministries of Defence and External Affairs which are solely Central subjects are not discussed and moreover the subjects concerning States come up for discussion in the Parliament, then the subjects which are exclusively in the Union Government's list are sidelined and instead subjects relating to States come to the fore and ultimately the discussion reaches to the constituency level. This cannot help in raising the level of discussion. Since the Parliament is the supreme institution in the country, only the most important subjects of national concern should form the major part of the discussion here. I feel concerned to find that Five Year Plans and matters relating to our defence have not been discussed in the House for a pretty long time. Even foreign policy is not discussed to the extent it used to be discussed during the tenure of Panditji. If these things are not discussed and rather if we confine ourselves to discussing petty subjects, then our standard of debate, our way of thinking will be narrowed down and we cannot have a broader view of things. It is, therefore, imperative to hold discussions on important subjects in the Parliament and State Assemblies.

SHRI SOMNATH CHATTERJEE*

We are all grateful to the Hon'ble Chairman, Rajya Sabha and Hon'ble Speaker, Lok Sabha for taking the initiative to convene this Conference of Presiding Officers, Chief Ministers, Leaders and Whips of Parties and other concerned legislators in Parliament and State Legislatures with a very important object, namely, to evolve a Code of Conduct for legislators, which will help in the smooth functioning of Parliament and other legislative bodies. It is fit and proper that those who have been elected to different bodies should articulate the urges and aspirations of the people in the conduct of the affairs of these important bodies which would also sustain the confidence of the people in the system of parliamentary democracy, which the founders of our Constitution evolved after a good deal of deliberations and consideration of other alternative systems.

Our Parliament has already celebrated its Golden Jubilee and questions have sometimes been raised whether the parliamentary system of government and the legislative bodies have been able to find out solutions for people's problems and have the capacity to espouse the needs and cause of the common people of the country, a very large number of whom still have to struggle hard for their sustenance.

The failure of the Indian parliamentary system, if it is perceived to have failed in its objective, will give rise to divisive tendencies in our body politic and may also encourage the clamour for its replacement by presidential system of government, which, according to many, will be a negation of the effective participation of the people. Many like us feel that the parliamentary system of government in a developing country like ours has to better alternative and we must all strive to remove deficiencies and shortcomings, if any, than to change the system as a whole.

Our parliamentary functions are legislation, debate discussion and decision on issues of national importance and enforcement of the Executive's accountability to the people through their elected representatives. Earlier, more than half the time of the Lok Sabha was devoted to the work of legislation, while nearly 30 per cent of the time was utilised for discussion of the financial business and the remaining time for enforcement of the Government's accountability. However, substantial changes have come about not only in the composition but in the matter of time utilisation. Now, we are able to devote lesser and lesser time to some of the important responsibilities that we have to discharge, namely, consideration of the financial business and enforcement of the Government's accountability. Of course, for the past several years, through the Departmentally Related Standing Committees in Parliament we are able to scrutinise, though not very comprehensively, the Government's expenditure on different heads as incurred by the different Ministries.

Over the years we find lesser and lesser opportunity on legislation and financial business primarily because of the non-availability of adequate time to discuss fully legislative measures and also for debates and discussions on national issues. If I am not mistaken, more individual

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and more local issues are today consuming a large part of the time of the House. 'Zero Hour' does not find a mention in our rules, but has become; probably, the most important business to many of the members. There appears to be developing more and more attitude, regrettably, of confrontation than cooperation, affecting the functioning of the House.

Most unfortunately, today, legislators are being faced with criticism which seems to be justified on most occasions about their failure to maintain the decorum and dignity of the House. A substantial part of the proceedings of the House is now being telecast and people are now able to watch how their representatives are functioning in the House, and the Presiding Officers have often expressed their anguish over the unhappy state of affairs. In the circumstances, we are subjected not only to criticism but even ridicule and a large section of the people, especially young men and women feel that the legislators are more concerned with their decibel level than attending to people's problems.

Most of the basic demands of our people still remain unrealised. There is still acute poverty, unemployment, massive illiteracy, lack of social justice, lack of healthcare, lack of education and special problems of women and children. People look up to the Parliament for finding solutions for the same. We should constantly endeavour to see that the principles of secularism, socialism, basic unity of the people, national integrity and probity in Executive affairs and public life are preserved and strengthened. In these circumstances, we should not fritter away our time and energy by confrontation and by holding the House to ransom but should concentrate in enforcing the Government's accountability by our reasoned arguments and exemplary conduct.

With a view to finding out solutions, various efforts have been made and are being made to emphasise on the necessity of maintaining the dignity and decorum of the legislative bodies, which is considerably dependent on the conduct of the members. Of course, in order that parliamentary democracy may be effective, it is absolutely imperative that all sections of the House and not the Opposition alone should maintain decorum and discipline with a spirit of understanding and cooperation. In that respect, the ruling Party has a much greater responsibility to shoulder, and a positive role of the media is also essential.

Let us try to make a new beginning. A draft resolution has been proposed which sets out not only the code of conduct but also the procedure for dealing with complaints and punishments. It is not only the conduct inside the respective Chambers but also conduct outside that has to be exemplary. To that effect, different Committees of Ethics have laid down standards.

I am sure, from this Conference, a united message will go assuring all concerned that we are fully conscious of our respective obligations, and we shall exercise our rights with the fullest sense of responsibility so that the process of strengthening parliamentary democracy and thereby the people's causes are served better.

SHRI DIGVIJAY SINGH*

Mr. Speaker, Sir, on an average 65 sittings of the Legislature have been held in Madhya Pradesh during each of the last 8 years and that average is the highest in the history of Madhya Pradesh. In addition to it, I would also like to mention here that on no occasion the Hon'ble Speaker of Madhya Pradesh Assembly has had to use the services of the Marshal in the Assembly. So, the proceedings of the Madhya Pradesh Assembly are being conducted in a most cordial and harmonious atmosphere and we are getting full support from the Opposition in the conduct of proceedings.

Mr. Speaker, Sir, in the copy of the Resolution sent to us, it was stated that there should be provision to have at least 100 sittings of the Legislative Assemblies. It has been my experience that we do not have enough opportunity to attend to administrative work owing to the 65 sittings of the Assembly. So, the appropriate thing to do would be to strengthen the functioning of the Committees instead of having more sittings of Parliament or Assemblies that at present, because when the Members get more opportunities to express their views and to discuss the matters relating to Ministeries and Departments through the Committees, better results would come out for us.

There is no mention in our Constitution about the Presiding Officer during the Addresses by the Hon'ble President and the Governor to members of Parliament/Legislatures. So, there should be a provision for taking action against a member of Parliament or of a Legislature for his objectionable action in the Parliament or the Legislature. Therefore, I have a suggestion to make that, as per recommendations of the Committee on the conduct of a Member during President's Address, 1971 a new article should be added as article 87A to the Constitution, to expressly provide as to who would be the Presiding Officer during the Address by the President to the Parliament and the Address by the Governor to a State Legislature.

Mr. Speaker, Sir, I would also like to mention here that in the British Parliament, half-an-hour time is allotted during which any member may ask questions from the Prime Minister on policy matters. The member's questions are answered also. In Madhya Pradesh, we are experimenting with a similar practice for the last two years. Accordingly half-an-hour time is allotted for asking questions from the Chief Minister without giving any prior notice whatsoever and the Chief Minister is bound to answer the question asked by any member of the Legislature. I think this practice provides the members the opportunity to ask even those unlisted questions which need discussion. I would like to conclude with these two or three suggestions.

*Chief Minister, Madhya Pradesh.

SHRI P.M. SAYEED*

This All India Conference has been designed by Hon. Speaker, Shri G.M.C. Balayogi not in the usual format of the Conference of Presiding Officers which we have been having from time to time. This is an extended Conference for which the special invitees include State Chief Ministers, apart from parliamentary functionaries. The manner of organisation of the Conference reflects the pervasiveness of the problem we have on hand—the problem of orderly conduct of business of legislative bodies. In public perception, the image of our legislators inside and outside their Chambers has taken a severe beating, especially of late. Interference with the Addresses by the President and Governors, disruption of the listed business of the Houses, exchange of unparliamentary expressions and violent behaviour have been on the increase in incidence.

It is not that we do not have rules regarding the conduct of members. The Rules of Procedure of Lok Sabha have themselves been framed under article 118 of the Constitution. These Rules specifically include elaborate "do's" and "don'ts" for being observed by members. I am sure, the State Legislatures also have similar rules.

What are the reasons for the present state of affairs?

No doubt, time is the basic constraint. Members not merely want to perform in the Houses but also want to be seen as performing, especially as the constituents of the members do watch the proceedings of the Houses on the television in real time or otherwise. In their efforts at competitively trying to perform, they end up creating pandemonium.

About 70 per cent of the Lok Sabha members are graduates and post graduates. Discipline and decorum should naturally come to them. But the fact of life is that Indians, as a nation, have come to achieve international reputation as a very vociferous people. Some members are obsessive speakers. They try to monopolise time for themselves with scant regard for the time of their colleagues.

I am aware that our Parliamentarians, when they attend meetings of the Inter-Parliamentary Union or the Commonwealth Parliamentary Association do give very effective performance by speaking to the point and briefly, most often taking not more than two minutes. It is entirely within their capability to be as business like and professional within our country as well.

What is understood in the Parliamentary jargon as "matters of urgent public importance" seems to be the villain of the piece. These matters can be raised for short duration discussions, motions and calling attention of Ministers. Of course, they are raised with gay abandon during the 'Zero Hour' also. No doubt, the rules relating to the various forms of raising matters of urgent public importance may have their own logic, but logic becomes the casualty when members become impatient.

*Deputy Speaker, Lok Sabha.

Each political party, as a matter of practice, tries to field what it considers as its best spokespersons for participating in parliamentary debates. Quite a large number of members, especially newcomers and youngsters, do not even get to speak. They become a discontented lot and take recourse to unconventional behaviour. There is a publication of the Lok Sabha Secretariat containing 45 printed pages of annotated unparliamentary expressions. Of course, they include a few such expressions of other Commonwealth Parliaments as well. This document reflects the position as in 1996. Five more years having passed by, may be, it is time to bring out an updated version!

Business Advisory Committee meetings, of course, take place regularly. Time is allocated for individual items of business to be transacted. Often, decisions of these meetings which are attended by senior leaders of the Parties are observed only in their breach. Most often, there is time overrun. Listed items of business get postponed time and again. The reasons for this generally are: firstly, members fielded to speak do not conform to time limits; secondly, issues extraneous to the listed items of business are suddenly projected with considerable vehemence not merely by individual members, but collectively by Parties; thirdly, there is an obvious communication gap between those participating in the Business Advisory Committee meetings and members of the Parliamentary Parties; fourthly, because of compulsions of circumstances, Party leaders far from disciplining their rank and file, acquiesce in their deviant behaviour; and fifthly, inadequate coordination mechanisms in coalitions of large number of parties, perhaps make it difficult to harmonise the interests and view points of the partners.

Basically, it seems that much needs to be done for enhancing floor coordination between the Treasury Benches and Opposition parties. The phenomenal pluralism of our country and the ever-increasing fractionalism in our politics do get strongly reflected in our legislative bodies and in the styles of transaction of business therein. In such an environment, it is obvious that floor co-ordination should be preceded by considerable lot of consensus building at least on major matters of national concern.

Inadequacies in the understanding by the members of their constitutional privileges and immunities also contribute significantly to the status of discipline in the legislative bodies. Privileges and immunities have been provided only for facilitation of business transaction by members without let or hindrance. They cannot be construed as placing the legislators as a specially empowered category, apart from the common citizens. Without this understanding, often, members do disrupt House business raising issues of privilege on matters unconnected with House business.

People have a lot of expectations on probity, standards and ethics amongst holders of public offices, including legislators. The Lok Sabha and the Rajya Sabha as also a few State Legislatures have gone into this matter. The Lord Nolan Committee in Britain went into the issue of standards in public life and enunciated seven principles. These are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. People's representatives could rise to the expectations of their constituents by conduct subsumed in these attributes.

The Presiding Officers, of course, have been vested with supreme powers within the Chambers. But, they cannot obviously breathe discipline in the members through punitive measures. Maintenance of discipline and decorum is the individual responsibility of the members and the collective responsibility of the Chambers.

How are these responsibilities to be fulfilled? I may make a few suggestions in this regard:

- Legislature parties to help, guide and control their rank and file—by effectively communicating with them, providing them reasonably equitable opportunities to speak, and insisting on conformity to the decisions of the Business Advisory Committee; the Party Whips have an effective role to play in this regard.

- Development of a healthy culture of floor co-ordination between the Treasury Benches and the Opposition parties; dynamic Parliamentary Affairs Ministers need to be put in position for the purpose.
- Training of legislators, especially new-comers, not merely on rules and regulations but on practices, traditions and conventions; and giving them a lot more opportunities to observe other national Parliaments in action. The optimum utilisation of the new electronic gadgets, computers and Internet is to be encouraged. The provision of Chambers for members with modern office amenities and appropriate on-line connectivity is already under active consideration. This will help members in getting themselves professionally equipped to discuss matters of public importance within the time schedule.
- Ethics mechanisms to be universalised in all legislative bodies and bringing Ethics Committees into effective operation. The Presiding Officers, of course, have been vested with Supreme Powers. It is not that we are wanting in any rules or other things and conventions. But how do we implement them? There exactly, we will have to emphatically give a go.

SHRI VILASRAO DESHMUKH*

After 50 years of Independence, we have realised the need of a code of conduct for our elected representatives. This results from an introspection; we ourselves are trying to think over it seriously. We have gathered here not to issue guidelines for others, but to guide ourselves as to how we should conduct ourselves in public life. I have been a member of the Legislative Assembly since 1980. I was an M.L.A., then a Minister and now I am the Chief Minister of a State. However, as a member of the Legislative Assembly or Lok Sabha, we assemble as representatives of the people to discuss important public issues. As a member of the Ruling Party or the Opposition each one of us has a certain responsibilities. When we are in the Ruling Party, we speak in a particular tone but when we are in the Opposition, we speak in another tone. Today, there is a need to draw a line of demarcation. Neither the Opposition not the Ruling Party wants to do something which goes against the interests of the public. So, all the debates and discussions should be focused on the issues relating to the public whom we represent here. But the standard of debate and discussion is going down day by day and we are neglecting that very public for whom we are engaged in the entire discussion. So, the need of the hour is to extend our full support to the proposal for a code of conduct. Mere framing of rules and bylaws will not do. In fact, the responsibility with regard to the compliance of the code of conduct by the MLAs or MPs of different political parties should be that of the leader of the respective parties. On several occasions, we have noticed that when some MLAs rush into the Well of the House, the leaders of the party, to which these MLAs belong continue to sit silently in their seats; instead of checking their activities, these leaders ask their MLAs to rush into the Well. Since we are running a Coalition Government, we witness this kind of situation quite frequently. Leaders of legislative parties encourage their MLAs to rush into the Well and disturb the proceedings of the House. So the Presiding Officer has to adjourn the House. Then, it is discussed in the Chamber of the Speaker. Now-a-days, when this culture of Coalition Government is prevailing in various States and also at the national level, this is happening quite frequently. In such a situation, we need to ponder over it quite seriously.

To talk about discipline and decorum in Parliament and State Legislatures is, also talking about self-discipline and self-restraint and introspection. A solution to the problem of indiscipline in our Legislatures has been evading us for a very long time. Insofar as interruptions during Address by the Governor are concerned, it is acknowledged that a Governor is the constitutional Head of the State and is above party politics. His Address is a Statement of Government policy and he delivers it under the statutory provision embodied in the Constitution itself. Solemnity and dignity on this occasion are of utmost importance. Moreover, under the oath taken by a member, he affirms his allegiance to the Constitution. Any untoward incident on his part is not only unbecoming of him and at variance with the oath taken by him. As such, it is indeed the solemn constitutional duty of every member to maintain the dignity and honour of the House of which he is a member.

The incidents of breach of discipline and decorum manifest themselves in different forms, such as obstructing the entry of a dignitary to the House, obstructing the Address of the Hon'ble

*Chief Minister, Maharashtra.

President or Governor by disorderly behaviour and disturbing the proceedings of the House by unruly and indecorous behaviour.

In the Conference of Presiding Officers of Legislative bodies held in New Delhi in October 1996, after deliberating upon the matter of conduct of members, a Resolution was adopted, stating *inter alia* that:

> Conduct of the legislators inside and outside the Houses has come to be considered as a matter of very serious concern by the people in general. This has very grave implications for the dignity of the Legislatures and the future of democracy. In this context, the constitution of Ethics Committees by the Legislatures for ensuring basic standards of probity of the members should be examined with special reference to the establishment of such institutions by legislative bodies elsewhere in the world.

You may be aware that a somewhat similar resolution was also adopted unanimously by the Eleventh Lok Sabha on 1 September, 1997, the last day of the Special Session of Lok Sabha to commemorate the Golden Jubilee of Indian Independence, resolving that the prestige of the Parliament be preserved and enhanced, also by conscious and dignified conformity to the entire regime of Rules of Procedure and Conduct of Business of the Houses and Directions of the Presiding Officers relating to orderly conduct of business.

However, as you know, the first concrete step towards achieving this objective has been taken by constituting an Ethics Committee of Rajya Sabha on 4 March 1997, which has the distinction of being the first Ethics Committee in India. The Ethics Committee presented their First Report to the Rajya Sabha on 8 December, 1998 and the Second Report on 13 December 1999. The Lok Sabha also constituted an Ethics Committee subsequently.

Several State Legislatures like Andhra Pradesh and Orissa have also set up Ethics Committees. The Government of Maharashtra is also actively considering, in consultation with the Maharashtra State Legislature, setting up of an Ethics Committee, to evolve a code of conduct for the legislators.

I personally feel that although such a Committee could certainly help in the matter of observing discipline and decorum of the House, the solution to the whole problem can be found only by the members themselves. It is for us to evolve an internal self-regulatory mechanism. As I already said at the outset, the words "discipline and decorum" imply "self-discipline, self-restraint and introspection." Discipline and self-restraint go hand in hand and they are a *sinequanon* for the observance of discipline and maintenance of decorum of the House.

I feel that the Presiding Officers also have a significant role to play in the maintenance of order, discipline and decorum in the House. Application of rules by the Presiding Officers to the situational context is of equal importance. It is very important that while sticking to the rules, adroitness in application of rules is equally crucial and while conducting the business of the House, the Presiding Officers should be poised and fair-minded, both to the Treasury Benches and the Opposition. In this context, the desirability of adopting by the Legislatures of different Legislature parties, a code of conduct for legislators, both inside and outside the House, needs consideration by the Presiding Officers, party leaders and members. Needless to say, new members have to be groomed through proper training and Orientation Programmes. Legislatures, therefore, should have training centres for their members. Eminent parliamentarians and senior and experienced members as well as former members can be invited to give talks and lectures to the newly-elected members. Video-recorded speeches of Presiding Officers and senior parliamentarians on different subjects, including etiquette and manners, could also be very useful for the newly-elected members for their better and effective performance in the House.

SHRI KESHARI NATH TRIPATHI*

Whenever the code of conduct is mentioned, one is immediately reminded of the Uttar Pradesh Legislative Assembly. It was mentioned today as well. It was an unfortunate incident and a rare one which underlines the significance of rules. It is imperative to analyse the reasons therefor because such scenes are being witnessed in several Legislatures and disturbances are taking place in Parliament also. It appears that all of us tend to forget at times about the purpose, objectives, jurisdiction, limits and maintenance of decorum in Parliament and the State Legislatures. As per the Constitution, the Executive is responsible to the Legislature. Whether it is Parliament or a State Legislature, its main function is to enforce and ensure this responsibility of the Executive. Hence, its ambit is quite comprehensive and its canvas very wide. The areas in which the Executive functions, fall under the jurisdiction of Legislature. We can question the Government about any Executive action and hold it accountable. This is the scope of our jurisdiction. I feel that the rules and the procedure of the Parliament and Legislative Assemblies are Code of Conduct *per se*. However, we do not abide by them. Violation thereof has become a rule while following, an exception. Perhaps the root cause is that every member, whether he belongs to the Ruling Party or the Opposition, has become an egotist. Thus, he believes that what he is saying is the truth, and that only he has the right to make his point and what the other person is saying is false and hence the other person should not be given the opportunity to speak. When there is conflict on the issue of seeking opportunities to speak and to prevent others from speaking in the State Legislature or the Parliament and when such a situation is created, it is known as interruption. I do not feel that we may face any problem if we were to introspect to do away with these interruptions. It is essential to shun 'egoism' to strengthen the parliamentary democracy and to restore faith of the people in the parliamentary system. If we attend the Legislative Assemblies, the Legislature and the Parliament not as individuals but as a collective team of the Ruling Party and the Opposition, it will definitely reflect an apparent change in our conduct.

I often think that difference of opinion and tolerance are not contradictory elements. They can coexist in a situation which is not manifest today. There is a need to make an endeavor in this direction and it is possible to make an effort only when we reflect over the dignity of the House. The House, to which we have been elected, has its own dignity. We need to think about the ambit and the dignity of the House and also whether our own conduct is in keeping with the dignity of the House. If our conduct is not up to the mark, we are striking at the roots of democracy and in a way, creating loss of faith in the minds of the people. The major responsibility in this respect is that of the leaders of various parties, whether they are the leaders of Legislature or the leaders of political parties. I would like to mention the incident that occurred in U.P. and which you have witnessed on television. A leader of a particular party had informed me 15-20 minutes before the occurrence of the incident that instructions had been issued to the effect that the business of the House should not be allowed to be conducted at any cost. The constitutional crisis will be created only when the House is adjourned. Hence, the members had been instructed to go and beat up the Speaker and not to worry if he succumbed to his injuries

*Speaker, Uttar Pradesh Legislative Assembly (Original Speech in Hindi).

in the process. Personnel of our Intelligence Department had informed me in this regard 15 minutes before the commencement of business in the Legislative Assembly, that a leader of a particular party had issued such instructions. I was mentally prepared for it and so were others. Such incidents when initiated by the Ruling side attract reaction from the Opposition, and those initiated by the Opposition invite reaction from the Ruling Party. It is quite natural for either side to react in the circumstances. If one acts, the other reacts. However to issue such instructions is to cripple the parliamentary system completely.

What is happening today? I am not aware of what happens here in the Parliament but I can say this about my Legislative Assembly that Hon'ble Members go to the lobby and get in touch with the leader of their party using their mobile phones informing that they have done this much so far, and ask for further instructions. Hence, I believe that the leaders of various political parties have a major responsibility to see to it that the business of the House is run in a restrained manner and as per the rules. I feel that there is a need to create such an awareness among the leaders of various political parties.

While not dwelling at length in this respect, I would like to make a special point. We have discussed some automatic punishment measures. Sometimes I wonder if automatic punishment would be effective or not. I have often observed in the Legislative Assemblies and also read in the newspapers that 10-12-15-20 and even 50 members are suspended sometimes for a day, two days or four days and sometimes for a week or even for the rest of the session. But then, has it made any impact? What impact did it have on the members of our Legislative Assembly if the members were suspended in some other Legislative Assemblies? Did the action of suspension and expulsion taken against any member of our Legislative Assembly cast any impact elsewhere? No, it seems as if we were not affected in the least. Hence we will have to introspect. I remember that about 37-38 members of Uttar Pradesh Legislative Assembly were suspended once, but the members from the opposition party approached me after 15 minutes saying that the members were repentant, hence I should move the motion to revoke the suspension. The motion was adopted; however same scenario came up the next day and the day after that, hence so long as we do not have the will to learn from our mistakes, it is not going to be of any use formulating a code of conduct.

Just now, the Chief Minister of Maharashtra mentioned that this is the time for introspection. What can the Presiding Officer do? I can candidly say here that I am approached by members who say that as the Speaker, I have the right to take up any matter at any time after suspending rules and that as soon as the House assembles at 11 O'Clock, they would request me to exercise my right to suspend the rules under Rule 311. I request them to allow the Question Hour and make their point during Zero Hour, on which they say that they want to raise that matter at 11 O'Clock itself. They ask me to adjourn the House once and when the House assembles again, they will be on their feet again so that the House is adjourned again and that the third time, they would agree to abide by my direction and allow the House to function.

At times, the Presiding Officer is under tremendous pressure. He has to run the House. At times, they are under such mental pressure to adjourn the House once or twice. I am responding to that point. As the previous Speaker had stated just now that the Presiding Officer has to be very strict, but along with strictness, it is his duty to run the House. Hence sometimes it is imperative for him to run the House by making some compromises at mental level as well as relaxing the rules. Punishment is not always the remedy. The remedial measure is to develop the tendency of self-restraint. It will help us develop our mentality and the code of conduct which we have discussed today, will probably also be helpful in this respect. More than half the points are already covered in the rules. However, if we make an effort to follow the rest, India will definitely be regarded as a strong, disciplined parliamentary democratic country. Such is my firm belief.

SHRI K. YERRANNAIDU*

Legislatures, as supreme representative institutions, have a significant role to play in the articulation of national concerns and identifying the broad parameters of socio-economic reconstruction of our country. As elected representatives, it is our primary responsibility to ensure that people's concerns, hopes and aspirations are reflected in the Legislatures, which will form a vital input for legislative decision-making. I am particularly concerned as to how much of it is being allowed to happen, as many of us would agree by now that the real threat is from within the Legislatures.

These days, debate and discussions are taking a back seat. Demonstration of muscle power and lung power has come to be the new form of parliamentary practice. The prestige and dignity of Legislatures are steadily going down in the minds of the people. If this is not contained, we will run into a severe crisis.

We have elaborate norms, conventions and rules of business. If only all of us follow them, all of us can raise important issues and force the Governments to appropriately act on them.

Proper running of the House is the collective responsibility of all the sections of the House. A Presiding Officer alone cannot do this. If we appreciate this reality and accordingly agree on certain concrete measures, there will be a change in the state of affairs.

My Party broadly endorses the suggestions being made at this Conference to enable proper functioning of the Legislatures. Chief Ministers, Opposition Leaders, Presiding Officers and Leaders of other Parties in Legislatures are all here. Based on the practical experiences of all of us, we shall arrive at some concrete and actionable decisions. We firmly support a well-defined code of conduct for people's representatives. We also believe that selection of candidates for contesting elections shall be taken as a serious exercise. During the last Assembly elections, my Party has openly invited intellectuals, persons of proven record and other distinguished persons to contest elections and we gave our party tickets to several of them. We made a beginning and I hope that this would be expanded in due course.

The Telugu Desam Parliamentary Party has always stood by parliamentary conventions and has hardly flouted any rules. I may also inform this august assembly that the Andhra Pradesh Legislative Assembly was the first amongst State Legislatures to constitute an Ethics Committee and evolve a code of conduct. We were also the first to encourage and enable live telecast of proceedings for wider information of the public. With these proven initiatives and efforts, my Party extends full support to the efforts being made to ensure discipline and decorum in the State Legislatures and also in Parliament.

More than taking some concrete decisions, what is important is a change of hearts and minds of the legislators. We have to transform ourselves from within. A large number of legislators in a House cannot be regulated and controlled like school children. Unless we realise the

*Leader, Telugu Desam Party in Lok Sabha.

importance and significance of our conduct and responsibilities, the desired results will not come. People's representatives themselves are responsible for the crisis being faced by the Legislatures. Both the Ruling and the Opposition Parties have to function in a spirit of understanding and cooperation in the larger national interest. We may have differences of opinion which at times, may be very strong. But we cannot hold the Legislatures to ransom. Let us realise this and move forward.

Hon'ble Speaker, Lok Sabha has referred to the presence of a large number of parties in Parliament and State Legislatures. That is the emerging reality. It poses certain challenges for House management. First time members and members of small parties and groups should be given due opportunities to participate in the proceedings of the House. Time can always be found out to accommodate all and should be found.

Preserving democracy is the collective responsibility of all of us. Let us sincerely make efforts in that direction. Let this day be a concrete beginning towards the goal.

SHRI PRIYA RANJAN DASMUNSI*

I joined the Lok Sabha as an elected representative from South Calcutta in 1971 and my experience and understanding shall provide me an opportunity to address this important Conference.

Sir, I do not treat this Conference as a casual one but a resolve to reiterate our commitment to parliamentary democracy. In the whole world today, the only unique system to reflect people's mind and their opinion is democracy and the democratic forum of Parliament occupies the most important place in any constitution of the world and particularly so in India. The Judiciary, the Executive and the Legislature are the principal arteries of the democratic system which keep it alive, free from all hazards, and the media plays the intermediary role between the people and the Legislature.

I do not like to undermine the role of the personnel in the Executive or the learned members of the Judiciary while they execute the Government directions and interpret the Law in the Constitution, respectively. Yet, I place the Legislature over and above the Judiciary, for it derives its strength directly from the people and also because all organs function under the Constitution and the Constitution can only be amended by the Legislature. Therefore, the Legislature is, beyond doubt, the established supreme organ in our Parliamentary system; and that being so, the role of Parliament and the conduct of the members are extremely important.

Before I spell out my observations on the Code of Conduct, I place before the delegates a few important areas of our functioning, though not strictly in accordance with the rules or Constitutional provisions but by convention.

The Constitution guarantees the accountability of the Council of Ministers to the Lok Sabha and the Legislative Assembly; any lack of transparency or clarity could be detected and questioned by the Opposition or any other member to the satisfaction of the House. When such things do not happen, the confrontation begins and normally as a matter of general rule, the Opposition is accused of being disruptive. We have to carefully examine the difference between disruption and dissension. If dissension is not responded to by the Treasury Benches and they do not render support to the Presiding Officers, the concept of accountability of the members of the Government becomes irrelevant and most non-transparent. Till this issue is not dealt with, the Code of Conduct shall remain only in the book of rules or ethics, but shall not be an effective instrument.

The duty of running the House rests not only in the hands of the Presiding Officer, but decisively it is also the prime responsibility of the Party in power. The response of the Treasury Bench members to the issues of the people as and when, they are raised in the House, is extremely important to ensure the smooth running of the House by the Presiding authority.

The rules shall necessarily govern the conduct of the Business in the House; but on some occasions if rules do not provide for responding to a particular issue, of a very serious nature, the Presiding Officer in his own wisdom can save the situation by accommodating the raising of the matter, or otherwise can give the direction from the Chair to the Treasury Benches to

*Chief Whip, Indian National Congress Party, Lok Sabha.

resolve the issue. But the Government's defiance to respond to such issues and effort to drag time unnecessarily will lead to, commotion in the House. To get rid of such impasse, weekly meeting of the Leaders and the Presiding Officer should be mandatory this will help resolve issues and facilitate the better functioning of the Parliament and the Legislatures as well as ensure the implementation of rules of conduct.

The need to increase the number of days of sittings of Parliament and Assemblies is extremely important now to dispose the business and accommodate the feelings of the members, since back and now the population ratio and the problems are not the same as they were a few decades back. If the law interpreters, that is, the Judges can sit for three-fourth time of the year, at least a little more than half the time of the year or a little less, why can the Parliament not transact its business for a larger period then now? The more you shorten the duration of the Session, the more you make mistakes and members become restive because they become the prisoners of the rules and also suffer from paucity of time. To ensure fair conduct, I also strongly recommend the following:

- Unless the selection of candidates in the election is done by political parties on quality, ability, credibility and natural acceptability, it is difficult to improve the quality of parliamentary life. The ultimate accountability of the political parties should come first if they are serious about the future of parliamentary democracy.
- At least 10 to 15 distinguished members must be given awards for their effective participation during the Question Hour, interventions submissions and debate. In such a situation, the Code of Conduct shall not remain merely a document but will become an accepted practice in the House.
- More importance should be given to ethics than to rules to ensure a better conduct of public life, both inside and outside the House. Therefore, transparency in members' public life is extremely important in dealing with the subject inside Parliament.
- Ethics should govern the morale of the parliamentarians than rules so as to ensure and enhance the political morality of the elected representatives inside the House.
- Protests, disruptions, dissensions, commotions, etc. should not be treated on an equal footing. If something is done detrimental to the interest of the people and the public exchequer, and the Government tries to avoid and bypass the issue, the rescue valve at that point of time lies in the hands of the Presiding Officer, who has to objectively judge the issue; its implications both inside and outside the House among the people, and accordingly give his direction to take up the issue in an appropriate manner. Now if matters of corruption and misuse of public exchequer are treated as merely another issue in terms of submission during the 'Zero Hour', this will, perhaps, be an affront on the feelings of the people whom the members represent. Therefore, conduct of the members shall automatically become healthier if the response on such serious issues are positive and adequate.

It is a fact that no Government of the day can solve all the problems of the people. Certainly not all policies could be implemented in a given time. But reasonably, the lapses on the part of the government which could have been avoided cannot be treated in a casual manner. Such an approach will frustrate the people as they look upto the Legislatures to defend their interests.

I also consider that non-cooperation with the Treasury Benches by the members on some issues should not be construed as disruption; at the same time, such cooperation when extended should not be treated as a surrender on various issues.

I emphatically stress on the quality of public life and quality of the selection of MPs and MLAs which can guarantee the proper implementation of a Code of Conduct. People's will, is the ultimate say in democracy, but members' commitment is the guarantee of parliamentary system.

KUNWAR AKHILESH SINGH*

I got an opportunity to serve as a member of Uttar Pradesh Legislative Assembly twice and for the third time I got an opportunity to serve as a member of Lok Sabha. From my experience right from the Legislative Assembly to the Parliament, I have come to the conclusion that the difference between what we preach and what we practice is lowering the image of politicians in the society. We can avoid the atmosphere of hatred generating in the entire society only if our words match our deeds.

Today, we discussed threadbare as to how we can improve our conduct. In this regard, I am of the opinion that unless we conduct ourselves in a disciplined manner in our personal life, our social and political life cannot be any better. Therefore, those who are talking of bringing about improvement in the conduct should introspect and ponder on the reasons for stalemates in the Parliament and Legislative Assemblies.

The Speaker of the U.P. Legislative Assembly, Shri Keshari Nath Tripathi has just now narrated an incident which took place in the Assembly. I would like to tell him that while he was in the Opposition in 1993, a similar incident had taken place in the Assembly. This is the second incident of its kind in U.P. Legislative Assembly due to which Uttar Pradesh figured in discussions throughout country. In case, we do not look into the reasons and do not remove those shortcomings, such incidents will be repeated in the coming days also. Therefore, we have to avoid recurrence of such incidents.

The Vice-President of India in his inaugural address has said that exercise of power must be restrained. Decorum can be ensured in the House only when power is coupled with restraint. When power is not exercised with restraint then there would be no decorum in the House.

What has been the contribution of our political system towards this country and the society during these 54 years of independence. That can be seen from the present condition of the country. Even today, when women are humiliated and atrocities are committed on them the Parliament considers that is has done its duty by merely discussing it. The Government fulfils its duties by just giving replies. We will not be able to generate trust amongst the people in this manner. Today, the lack of trust is one of the major problems. The Parliament, the Legislative Assemblies and the Government, all the three should be accountable to the people.

Today, a number of burning issues are there. You have always endeavoured that these issues are discussed in the Parliament with an open mind and the same were discussed also, but what were the results of these discussions, We should ponder over this aspect also. If the discussions take place and results of these discussions do not reach the people then definitely the common man will lose faith in Parliamentary democracy, and that day is not far away when, after 10 to 15 years it will be difficult for us to walk on the roads in traditional political dress. Therefore, I would like to say that the Government should be made accountable to ensure that the reply of the Government after the discussion leads to fruitful results. I would like to say in clear terms

*Member of Parliament, Lok Sabha (Original Speech in Hindi).

that unless the regional differences, injustice and discrimination are removed, the stalemates emerging in the Parliament cannot be removed. The Government should take people-oriented decisions by using their wisdom. The stalemate in the Parliament will certainly arise if the Government does not use its discretion.

The Deputy Speaker had stated that proceedings of the Parliament should be stalled only in exceptional circumstances, but it is my experience that there has been an increase in exceptional situations during the last 3-4 years. Why these situations are arising? Who are responsible for such situations, we should identify them and we should definitely put an end to the exceptional situations. If the minorities are ignored on the basis of majority in the House then certainly it will weaken the parliamentary democracy.

Members belonging to various groups who are elected to this House, directly represent the people of a particular constituency. If the decisions in the Parliament and the Legislative Assemblies are taken on the basis of smaller and bigger parties, minority and majority groups then it will not strengthen the parliamentary democracy. Therefore, it is my humble request if we ignore the realities, then we will not be able to remove the stalemate at all. It is my experience that members from the Treasury Benches influence the Chair. In this manner we will not be able to maintain parliamentary decorum or strengthen the parliamentary democracy. The members of the Committees should be mainly responsible for addressing the burning issues. When the people do not get any benefit in case of issues resolved with unanimity, it gives rise to frustration and if the frustration turns into resentment, the whole democratic structure would collapse. Therefore, I would like to say with due respect that you and I should seriously consider these issues also.

Today, we see that the system of functioning in the House is different from the functioning of the Committees and certainly the Committees have given better results, however, it is a moot point to consider as to how the reports of the Committees are treated by the House. Though the Committees which present their reports have the representatives from various political parties, the Government do not take proper care of the feelings expressed in those reports while formulating their policies. It will certainly weaken the democracy in this country.

SHRI C. PONNAIYAN*

As on date, we have been witnessing in the country as a whole, the pathetic plight parliamentary democracy has been confronted with—thanks to lack of self-discipline on the part of legislators. We have been witnessing chaos and confusion invariably in all Legislatures, where *dharna* is being resorted to or barging into the well of the House is being resorted to. Unparliamentary phraseologies are used and unparliamentary words are uttered in all Legislatures in our country, very emotionally. At times, very false and baseless allegations are being levelled, ultimately provoking indiscipline in the House.

We all are aware that 20, 30 or 40 years back when the literacy percentage was very low in our country, parliamentary democracy was at an appreciable level. But when education has been imparted to millions of our people and when the literacy percentage has increased, very unfortunately indiscipline and lack of civic responsibilities have also got augmented. This is a very pathetic plight in my personal view.

Perhaps the failure of our educational system to inculcate ideals and moral values among younger generations would be a contributing factor for this kind of lack of civic responsibility in carrying out the parliamentary duties or what we are expected to do for the electorate. So, it is my earnest request to the Chairman and to the members of the drafting Committee to refer to modalities whereby we sensitise the legislators. They have to be fully sensitised and even to a certain extent, an element of compulsion is needed to impart discipline in parliamentary democracy.

When we are elected to Assemblies or to Parliament, there should be some amount of accountability on our part towards the electorate. A sensitisation programme should be carried out periodically so that we are able to psychologically create a transformation in this regard, in the mindset of our legislators.

Again, the senior members in the Legislatures take a monopolistic attitude to take most of the time. Invariably they go on attacking or counter-attacking either the Treasury Benches or the Opposition Parties just for the purpose of publicity for themselves. This results in wastage of a lot of precious time which is meant for executing the business of the House. The responsibility of the members should be to ensure that sound, constructive, and profound contributions are made in the House so that the Government performs for the betterment of the people.

Ours is a country where more than 40 per cent of the people live below the poverty line. This is a very pathetic condition. Even after 50 years of independence and having spent millions of crores of rupees for the improvement of economic conditions of the downtrodden and the suppressed, the percentage of the people living below poverty line remains at about 40 per cent. They are not even able to have a single full meal a day. So that being so the responsibility is more on the part of the legislators to take the nation on an economic path whereby poverty alleviation is achieved. So, the MLAs and MPs are expected to give constructive suggestions for socio-economic development and for avoiding the lapses in administration.

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Political parties come to power and go after five years. We will go out if we are defeated by the electorate. But the Government is a continuous body. The bureaucrats are ruling our country as on date. The bureaucrats who were meant for revenue collection in our country are allowed to perpetuate the system to the detriment of the public at large. But those who are expected to contribute for the betterment of the people, namely, we, the politicians, are not playing our role in governance. There are many schemes like road construction, bridge construction, etc. If all these schemes are not monitored properly by the Government in power, legislators have to see to it that there is effective monitoring. Unless the elected representatives carry out these activities and spend more time on questioning administrative lapses and to find out about the progress made, would be difficult to ensure that the work is done properly. Actually the purpose will end in vain. With this in view, it is my earnest request to the Chairman to impress upon the legislators, through today's Resolution, the need of accountability and answer ability to the electorate. It is their duty to see that if some money is allocated for some specific purpose, it is spent for that purpose only.

Again a lot of time is wasted during the 'Zero Hour'. The juniors are not given enough opportunity to speak. Ultimately, that also results in chaos and confusion in Assemblies.

The last suggestion which I want to make is that the Judiciary, in the name of judicial activism, is encroaching upon the powers of the legislators. This should be totally curbed in a developing democracy. In matters like Anti-Defection Law, or the matters pertaining to privilege, the Judiciary often interferes. There are three organs of the Constitution. They should work independently. Instead of that, judicial activism encroaches upon the jurisdiction of the legislators. Unless it is curbed, it will also create chaos and confusion and indiscipline in the minds of the members.

SHRI TARUN GOGOI*

Our Constitution has provided for a democratic system of government which provides representation to all sections of the society and enables building up of consensus on issues facing the country. Today, more than fifty years after our Constitution was adopted, we can proudly claim to be one of the torchbearers of democracy in the world. There is no doubt that our greatest success in the years since Independence has been our flourishing democracy in spite of heavy odds which has made possible development in an environment of freedom. However, in recent years, our democratic traditions have been under test due to some unfortunate incidents in Parliament and State Legislative Assemblies whereby the conduct of the members has disappointed the people whom we represent.

Perhaps, it is an inevitable stage in the evolution of our democracy. In recent decades we have witnessed the spreading of democratic norms and ideas to new regions and sections of society. While this is very heartening and is the goal which our founding fathers had envisaged, it has simultaneously made the building up of consensus on some issues more elusive due to diversity of interests. The elusiveness has been reflected in the undesirable incidents which have occurred in the Houses and which have been judged upon by the people with feelings of disappointment and regret. The challenge before us now is to harmonise the spread of democracy with building up of consensus in an amicable manner and rapidly move into the next stage of democratic evolution.

Every Session of Parliament or the State Legislatures is a visible demonstration of democracy at work and every citizen looks forward to his voice being heard through his representative. The sessions are a forum for various views to be heard by means of a addresses to the Houses, Question Hours and debates. However, these very instruments of our democratic institutions have quite often been the means for undesirable conduct which has often resulted in the voice of the common man being gagged. Moreover, these incidents have demoralised us and the people.

The President or the Governor while delivering the opening Address in Parliament or State Legislatures does so under the provisions of the Constitution and this implies that the occasion be marked by solemnity and dignity. I regret to say that this has frequently not been the case and the Addresses by the President and the Governor have been marked by disorder in the House. Different reasons may be put forward for this but no reason can be justified enough for such disorder. In such a context, we must resolve to prevent such undesirable conduct by the members by either promotive action, or failing which punitive action, if required. The recommendations of the Committee on the "conduct of a member during President's Address", Fifth Lok Sabha, have provided that amendment may be made to article 118 of the Constitution so that the President, after consultation with the Chairman, Rajya Sabha, and the Speaker, Lok Sabha may make rules as to the procedure for maintenance of order, dignity and decorum on the occasion of the Address by the President. The Committee also recommended that similar constitutional provisions may be made in respect of the Address by the Governor to a State

*Chief Minister, Assam.

Legislature under article 175 or article 176 of the Constitution. Guidelines were also formulated for observance of norms by members of the Houses during the Address by the President. I fully support these recommendations and these may be implemented soon.

There has been a very disturbing trend towards disorderly scenes in Parliament as well as State Legislatures. These scenes along with allegations of criminalisation of politics have eroded the faith of the people in their representatives. The Presiding Officers have found it increasingly tough to maintain the dignity of the Houses. The rules of procedure and the powers of the Presiding Officers have proved to be inadequate deterrents in the face of the lack of appreciation of the spirit of the rules and procedures in some cases. Different probable solutions have been proposed which include new procedures, extension of the sittings, strengthening of the subjects of the Committee system, discouragement of suspension of Question Hour, increased interaction between President, Officers and leaders of parties, etc. At the same time, application of the rules in a consistent manner, is most vital if the rules are to be treated with the respect they deserve. Also, I fully support the adoption by the Legislatures or different parties of Legislatures, a code of conduct for legislators both inside and outside the House. These issues have been foremost in our minds during the last decade and the constitution of Ethics Committees by Legislatures assumes a great significance as the recommendations may provide a way out of the current scenario. These recommendations which provide for strict enforcement of the rules and procedures for making complaints relating to unethical conduct of a member and disclosure of financial interests by members will hopefully provide the framework with which we can work on.

I welcome any step to maintain the dignity of our democratic institutions and all of us present here today have the opportunity to fulfill our sacred duty towards the Constitution and the people. We have the privilege of being in positions where we can make significant contributions to arrest the recent undesirable trends. We the leaders of our parties have a vital role in shaping the policies of our parties so that breach of discipline finds no patronage. Enough has been debated and discussed about these incidents and we are only left with the task of restoring the trust of the people.

New rules can be made, old rules can be amended but there is no doubt that in the final analysis only we can contribute to the sacrosanct dignity of the democratic institutions by our total commitment to the privilege of serving the people and this country. We are at a stage today where the country is not limited by its natural resources but only by our imagination. Let us not fall in our duties towards the country and the people by our limited perspectives and let us rise above narrow considerations so that our nation fulfills her destiny on the strength of her democratic traditions that all of us cherish.

SHRI SURESH PACHOURI*

In my opinion, this Conference is not only significant but also unprecedented and topical one, as the subject matter selected for this Conference is very much in consonance with the present circumstances. Today, the people keep an eye on the conduct and behaviour of their elected representatives, and, therefore, it is necessary that their conduct and sense of responsibility towards the people should be as per their expectations. The question is what is the responsibility of the Ruling Party and what is the responsibility of the Opposition. I would like to say very humbly that it enjoins upon both the sides to fulfil their responsibilities. When one is in the Ruling Party one is preaching others to observe good conduct and good behaviour but one should keep in mind what one's behaviour should be when he is in the Opposition. Now the question is how should we conduct ourselves? Our behaviour should satisfy the expectations reposed in us by the people. We have to think deeply over what is necessary for the Ruling Party and what is necessary for the Opposition. Whereas, it is expected from the Ruling Party that it will not make a prestige issue out of a point raised but, instead, show magnanimity in dealing with issues, from the Opposition too it is expected that it will not raise any issue merely because it is in the Opposition.

But much responsibility lies on the shoulders of the Ruling Party in the same manner in which the head of the family or the elder brother has to own all the responsibility in the family. Like the elder brother, the Ruling Party is expected to be more responsible. Here we are talking about the good conduct and we are told to follow the norms sincerely, but there is need to look into the other aspects as well. When permission is sought to raise some very basic issues in the Parliament or Assemblies which are of urgent public importance and are affecting the people of the country, and the same is given on time, then I do not think there will be need for any kind of interruption or obstruction. So, the need of the hour is that we should act in a congenial atmosphere, whether we are in the Ruling Party or in the Opposition. There should not be any kind of communication gap. Here they are talking about what should be our conduct and that we should show discipline and decorum in our behaviour. If we are expected to stick to rules and procedures in the House, then this is also to be noted that all the members of Parliament and all the members of Legislative Assemblies should be given modern facilities. The Minister of Parliamentary Affairs has made a mention of New Zealand, in his speech. I too have been to New Zealand as well as Australia. In Australia, every member of Parliament has been provided with modern facilities. Every member of Parliament has been provided with an office. For the purpose of participating in the proceedings of the Assembly or the Parliament, they are also provided with all the facilities like the reference material and sufficient secretarial service well on time. When a member armed with all these facilities comes in the House with full preparation and participates in the proceedings of the House, then it proves to be purposeful and also meaningful.

It is true that the number of sittings of Parliament should be increased. It has been proposed that they be held for at least 120 days. I think, issues and problems have increased manifold, so in order to hold meaningful discussion, sittings of the House should be held for more than

*Member of Parliament, Rajya Sabha, (Original Speech in Hindi).

120 days. For this it is necessary to increase the number of Standing Committees. The participation of members in the working of these Committees could be increased, though their number may be limited. This demands our increased attention towards the functioning of other Committees like the Privileges Committee which has a very important role to play. In the same way the Committee on Government Assurances also has a pivotal role. There are so many assurances whose number has increased during the last five years. These assurances have not been fulfilled by the Government so far. So these Committees should be given due weightage.

So far as the question of Zero-Hour is concerned it has its own utility and importance. But to make the Zero-Hour more meaningful it is necessary that the members who want to raise a matter during the Zero-Hour, should give it in writing on the same day. The Speaker should identify 8 to 10 members from amongst them so that with the permission of the Speaker they could raise the relevant issues in the House. Thus, Zero-Hour would be more useful, otherwise it will lose its importance against amidst the uproarious scenes in the House.

Before I conclude, I would like to give some suggestions in this regard. We should confer more powers on the Business Advisory Committee. What happens is that if anyone wants to raise any issue during Half-an-Hour discussion, but the Minister does not agree, then Half-an-Hour discussion will not be taken up. Calling Attention Motion and Short-duration discussions are decided during the meeting of the Business Advisory Committee because for that Ministry fixes the possible dates, but if we want to raise any issue under Rule 170 and Ministry does not decide the date and time for it, then discussion under that rule does not take place. When we demand a discussion on that issue then it is said that we are creating obstructions. Hence, there is need to confer more powers to Business Advisory Committee. Every member should be given the freedom of expression. Only then, he will be able to discharge his duties and responsibilities and will behave properly in the House. So, what is necessary is to give priority to those issues which affect the common man and identify them.

Now the question is when, where and how obstruction is created. This is like a chronic disease and if we go into the root of it and try to find out how it started, we will find that it has reached such an advanced stage that it will take some time to get cured. With regard to the broader vision about which we have talked here, we should keep in mind that during the period of Pandit Nehru the members used to criticize the Government in the House itself. Elder persons tell us that the members in the outer lobby used to say that there should have been more sharpness in their criticism. During the period of Smt. Indira Gandhi, slips were used. Piloo Modi used to emphasize on the point that there should be cordiality and mutual respect when we criticize the Government and that the Government should not act with a feeling of revenge in dealing with any issue which is raised. I think only in such situations we can expect some decorum.

In the beginning of my speech, I had said that both sides have to be responsible. No issue should be linked to one's prestige. Each issue should be discussed in a cordial atmosphere. This Conference is, no doubt, very important and I believe that its outcome will be fruitful.

SHRI SATBIR SINGH KADIAN*

The first pre-requisite for the practical and successful democracy is to ensure unobstructed, smooth and efficient functioning of parliamentary institutions. If these institutions are perpetually assailed by disorders and disturbances, they will not be able to function smoothly. A true Legislature ought to be an exciting place reverberating with debates and arguments and scintillating with wit and humour. The floor of the Legislatures is, of course, the forum for verbal confrontations, for sharp cut and thrust of the debate and for the working out of the dialectics of the democratic dialogue; but a healthy dialogue generates when the rules and procedures, norms and conventions are adhered to. Therefore, what we do and how we conduct ourselves in the Legislatures is essential if we are to ensure the people's unshakable faith in these citadels of democracy.

The need for observing requisite decorum and discipline in Legislatures has been discussed in various forums and can hardly be over-emphasized. The subject matter is still alarming and poses a big challenge to all of us.

In order to ensure discipline and decorum in the House, there has to be an effective communication among people, belonging to constituents of the Legislatures. The devices like Local Area Development Fund can create healthy relations between the public representative and the constituents. Secondly, a good suggestion was shared by Shri Shivraj Patil in the First Conference of Presiding Officers on this subject in New Delhi, that before each Session, the Speaker should call a meeting of Leaders and main spokesmen of all the parties to discuss the points to be raised or included in the List of Business of the House, seeking their opinion and suggestions for improvement in the debate and seeking their cooperation for the smooth functioning of the House during the Session. A thanks-giving meeting may also be arranged after the end of the Session. It was, indeed, a good suggestion to bridge the gap between the leaders and the parties.

In the context of maintaining discipline and decorum during the Address, by President/ Governor, promotive and preventive measures assume great relevance. Promotive action will include a healthy atmosphere for observance of rules, customs and conventions by the members and calling a meeting of the Leaders of the parties in the Legislatures before the commencement of the Session in this regard. The punitive measures include suspension of members from the House for the day or for the entire period of Session.

Haryana Legislative Assembly has made a meaningful preventive provision of observance of order during the Address by Governor. Rule 17 of the Rules and Procedure and Conduct of Business provides that no member shall interrupt the Governor when he is addressing the House; or display any placard; or shout any slogans; or make any protest; or raise any point of order, debate or discussion or otherwise wilfully disrupt the proceedings, immediately preceding or during or immediately following the Governor's Address under article 175(I) of the Constitution and the Governor's Special Address under article 176(i) of the Constitution, and the commission

*Speaker, Haryana Legislative Assembly.

of any of the above lapses shall be treated as contempt of the House and dealt with as such, under these Rules. Under another punitive provision, the members who violate the Rules of Procedures and Conduct of Business in the Haryana Legislative Assembly may be suspended from the service of the House for a period not exceeding the remainder of the Session (Rule 104, 104A, 104B, 104C). Such members lose their allowances for that period and this provision inflicts on them a financial loss.

Today, frequent walk-outs have become mockery in the eyes of public. Therefore, we should try to find out whether this walk-out should be there, at all, as a mark of protest. Secondly, whatever may be the compulsion, political or otherwise, for raising pressing issues on the floor of the House, members must maintain the prestige and dignity of the parliamentary institutions. We may put it in the code of conduct that anybody who wants to speak, should be in his seat and running into the Well of the House should be treated as a very serious matter. All parties should see that this should not happen. No amount of legislation would make any difference unless and until those who were sworn to safeguard the Constitution and the institutions of the Government, take their job more seriously. If the legislators do not conduct themselves in an orderly manner, gradually our people would lose their faith in the system itself. Tolerance is a basic tenet of democracy. The good sense and prudence of the members themselves can ensure orderly conduct of the Legislatures.

The Presiding Officers also assume a significant role in the maintenance of order, discipline and decorum in the House. Application of rules to the situational context is of equal importance. While the Presiding Officers should stick to rules, adroitness in application of rules is very essential. The Presiding Officers should not lose control on themselves while controlling the House. They should be poised and fair-minded. The Presiding Officers should make an effort to find out the reasons for the chaos and confusion created in the Houses and sufficient time should be given to all members to express their views on the grievances of the people of their constituencies. It may not always be right to say that the members are always on the wrong. The Presiding Officers should always exercise their discretion, prudence and wisdom to tackle such occasions especially, the period just after the Question Hour, Zero Hour, and other such occasions. In setting the Houses in order, the Presiding Officers can play an important role. The Presiding Officers should not be too lenient, too liberal; neither too rigid in conducting the Houses. Unless the members respect the authority of the Chair, the Presiding Officers can not conduct the proceedings in an orderly manner. Members should honour the Rulings of the Chair.

During the last Conference held in New Delhi, it was suggested that a code of conduct should be framed and should be enforced by the Legislatures. It will be better if the copies of that draft code may be circulated to all the Presiding Officers, Leaders of the Parties, Leaders of the Opposition, Parliamentary Affairs Ministers, Chief Whips and Whips so that they may take some suggestions from that draft code. We may also call a Special Session in our State Legislatures or set aside a special day for this purpose to discuss the main principles of code of conduct and unanimously adopt Resolution on "Code of Conduct of Members" for our legislators. Booklets of this code may be circulated to members separately and that portion may also be inserted in the diaries of the members. The political parties can play a major role in ensuring discipline and decorum in the House. They have an obligation to impress upon their members, especially their Legislature party members, to ensure smooth, constructive, dignified and decorous conduct of legislative institutions. Besides this, orientation training courses may be conducted within zonal areas with mutual consent and coordination. Such regional courses may be organized at least once in a year. Yet another option to unlease the burden of the House and to provide the members an opportunity to have a ploughshare in the functioning of the Legislatures is to expand the scope of the Committee System.

Most of the commotions, disturbances and indiscipline take place on account of instances of corruption, nepotism, favourtism, lawlessness, misuse of office and so on. To deal with such cases other systems are there. Secondly, the right of assistance to members should be honoured. For this Research, Reference and Information Wing of the Legislatures should be strengthened.

One of the most essential aspect that is more or less, connected with the discipline and decorum in the House, is the distorted image and prestige of Presiding Officers in the eyes of the Opposition. Therefore, we will have to make the Speaker as a non-party man and in the next elections he should get elected on behalf of all the parties, without opposition. All the political parties should agree to support him in the elections. We have to build this tradition. Unless that tradition is built up and the impartiality of the Speaker is ensured, we will find the Opposition members having doubts over the integrity, honesty and impartiality of the Speaker. Therefore, all parties should sit together and try to find out how to elect a Speaker and assure that the Speaker would continue as long as he wants to continue and he would automatically get elected to the Parliament or the Legislative Assembly without being contested by the political parties as such.

The Press also can play a major role in creating a better atmosphere in the Legislature. From their experience so far, legislators are given to think that aiding in creating chaos and disorder earns them better coverage in the press rather than by taking pains for an informed debate in the House. The media should, therefore, give importance on reporting of informed parliamentary debate rather than the instances of disorder and chaos in the House.

Friends, in view of the growing challenges before the country, the Parliament and Legislatures have to address themselves as to how they should function which would result in meaningful and effective debates on important issues and give strength to the foundations of our body politic.

It is necessary to apprise the new legislators with the procedures of parliamentary system so that they may contribute effectively in the proceedings of the House.

In the U.P. Legislative Assembly a training programme/orientation programme is organised for the purpose in which distinguished parliamentarians from Rajya Sabha/Lok Sabha and other State Legislatures are invited to educate the newly-elected members with the various parliamentary rules, procedures, traditions and conventions besides throwing light on the "Constitution of India" in general and on such provisions of the Constitution which relate to the functioning of the House in particular.

This orientation programme is organized for a day or two before the commencement of the sittings of the newly constituted House which is insufficient. The duration of such a programme should be increased. It also seems expedient to divide all such legislators in smaller groups to provide better opportunities for effective understanding of the matters included in the agenda of the above programme.

In addition to this, during such a training programme some literature useful for the members, *viz.* Rules of Procedure of the House, Directions of the Speaker, etc. should also be made available to them. Orientation programmes may also be arranged even during the tenure of the Assembly as 'Refresher Courses' in the shape of Symposium, etc. on various topics of parliamentary importance which would definitely add to the knowledge of the legislators besides enhancing their interest towards parliamentary functioning in the House.

Previously, the provision in the Rules of Procedure and Conduct of Business of the U.P. Legislative Assembly, 1958 was of 3 sessions, *viz.* Budget session, Monsoon session and Winter session and sittings of 90 days in a year. A declining trend in the number of sittings is seen during the few decades as is clear from the annexed chart of the Uttar Pradesh Legislative Assembly. The same declining trend is also seen even in the case of Parliament and other State Legislatures which contribute a lot in creating disorderly atmosphere in the House. When the number of sittings of the House are less, the Opposition members get lesser opportunities to express their grievances and seek redress. It seemed expedient that the number of sessions and sittings should be increased in order to provide more opportunities, especially to the members of the Opposition Benches to ventilate themselves. The lesser number of sittings of the House create more pressure even on the smooth functioning of the Business Advisory Committee when on one hand the Government presses hard for early disposal of their huge business within a short time and on the other hand the Opposition demands for longer period for debates in the House in order to have opportunity to discuss all the matters at length. Keeping in view the above mentioned situation, an amendment was recently made in the relevant rule that as far as possible, the Assembly should meet for at least 10 working days after every two months.

Hence, it is suggested that this provision may be considered seriously which is expected to help a lot in maintaining peaceful atmosphere in the House and amendment to this effect may be done in the Rules of Procedure of all the State Legislatures.

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*Deputy Speaker, Uttar Pradesh Legislative Assembly.

Number of Sittings of the Uttar Pradesh Legislative Assembly

First Legislative Assembly (19.5.1952 to 27.3.1957)	455
Second Legislative Assembly (9.4.1957 to 6.3.1962)	422
Third Legislative Assembly (26.3.1962 to 9.12.1966)	395
Fourth Legislative Assembly (17.3.1967 to 22.12.1967)	43
Fifth Legislative Assembly (17.3.1969 to 11.5.1973)	264
Sixth Legislative Assembly (18.3.1974 to 31.3.1977)	153
Seventh Legislative Assembly (12.7.1977 to 8.2.1980)	156
Eighth Legislative Assembly (3.7.1980 to 17.9.1984)	224
Ninth Legislative Assembly (10.3.1985 to 29.11.1989)	203
Tenth Legislative Assembly (2.12.1989 to 4.4.1991)	48
Eleventh Legislative Assembly (22.6.1991 to 6.12.1992)	52
Twelfth Legislative Assembly (4.12.1993 to 28.10.1995)	70
Thirteenth Legislative Assembly (17.10.1996 to 28.9.2001)	164

It is often seen that members get involved in petty politics inside the House which results in unruly scenes. It becomes difficult to maintain peace and order inside the House. Therefore, some punitive actions, such as admonition, reprimand or suspension from the services of the House and ultimately expulsion from the House should be taken against the erring members to honour the directions given by the Chair and thus preserving the dignity of the House.

This is applicable to both the sides in the House. If there is such a provocation from the side of Ruling Party, action against the members of the Ruling Party should also be taken in the same way.

It is generally seen that firstly the members create disturbance in the otherwise peaceful proceedings of the House on one point or the other and when they are suspended from the services of the House, a motion is, later on, moved to nullify the previous motion of suspension and the matter ends. This is not proper. Adequate provisions should be made in the rules of procedure that whosoever is responsible for disturbance in the House or disobeying the directives given by the Presiding Officer inside the House, should be subjected to some sort of punitive action as described above.

Similarly, the representatives of media, present in the House should also be subjected to same type of discipline if they do not obey the orders of the Presiding Officer in the House. In

the event of their default, their passes for entry in the Press Gallery should be suspended in the first instance for three days and on the second instance the passes should be cancelled for the rest of the Session.

It is generally seen that the time of the House is wasted in heated discussions on one or the other issue resulting in pandemonium, and the important business on agenda is eventually transacted in haste at the end of the sitting which includes important legislations as well. After the Question Hour, notices of Point of Order and notices relating to matters which are not Point of Order are taken. Often, too much of time is consumed in Points of Order, especially when every signatory of the notices relating thereto intends to speak individually. The other item is the notices of Adjournment Motion of Urgent Public Importance which is in itself a time consuming item and its importance is no less in the eyes of Opposition members. Hence, it is necessary to regulate the time of Zero Hour to save time for other important items on agenda.

In the Uttar Pradesh Legislative Assembly an experiment of Lunch-break was made a few years ago which, no doubt, helped in ending the heated discussions of the Zero-Hour but at the same time also posed the problem of quorum in the second half when the House reassembled. Eventually, the position became *status quo i.e.* the Lunch-break was discontinued.

In the circumstances, it appears expedient to impose time-limit on the Zero Hour whether by introducing Lunch-break or fixing time to dispose of the notices of Zero Hour with strict adherence to it. One thing more can be added to the list of the Zero Hour *i.e.* notices pertaining to the personal grievances of the members as well as the problems of their constituencies. If this is introduced, the Opposition members would get another outlet to ventilate their grievances which will in turn contribute towards the peaceful transaction of business in the House. In short, the crux of the measures to be adopted is to avert the situation which arises out of lengthy heated discussions by any means in order to save the precious and limited time of the House.

The State Legislatures do not enjoy the financial autonomy as the final authority in the financial matters vests in the Finance Department of the State but it seems in expedient, that for every financial sanction whether it pertains to a petty purchase-matter or an expenditure which is inevitably necessary for the Legislature Secretariat, the proposal should essentially be concurred upon by the Finance Department. In this process besides the extensive time taken in finalizing the proposal, often the proposals are delayed in queries made at several levels and quite often the Legislature Secretariat faces tremendous difficulties in convincing the Finance Department. It is also seen that at times the Government Departments fail to appreciate the dire needs of the Legislature Secretariat which are due to its specialized nature of work, and ultimately the spirit underlying the proposal which has been approved by the Speaker, is defeated.

It is also worth mentioning that the decision from the high office of the Speaker should not be subjected to routine scrutiny, and if any such difference of opinion crops up, the matter can well be settled between the Speaker and the Finance Minister or if required, the Chief Minister.

The prevailing system of financial subordination also affects the functioning of the House Committees when one has to think twice to suggest any action against the guilty government officers who have absolute control over the entire financial system.

Hence, keeping in view the totality of affairs, it appears advisable that the Speaker should have absolute power of according approvals and sanctions within the sanctioned budget and for every petty matter the Speaker's approval should not await the Government's concurrence. This procedure would save time, facilitate the working of Legislature Secretariat and maintain the dignity of the high office of the Speaker.

Speaker and Deputy Speaker are the Presiding and Deputy Presiding Officers of the House who conduct the proceeding of the House which is of a mixed complexion *i.e.* a mixture of Ruling Party members, Ministers and members of several Opposition parties. Both of them have to face numerous delicate situations in order to satisfy both the sides. At times they also have

to take bold decisions which would obviously dissatisfy one or the other side. Hence, it is of utmost importance that while delivering such judicious ruling the Speaker or the Deputy Speaker should be free of the mental stress that if any of the side in the House is displeased with his ruling, its displeasure would have any bearing on the forthcoming election of the Speaker or the Deputy Speaker. The election compaign of a candidate is an important factor which may have its roots somewhere in the mind of the Presiding Officers. They should be assured in advance that their conduct in the House is not going to affect their political career in any way.

In addition to this, another point is also worth considering that when the Speaker or the Deputy Speaker devote their maximum time in the business connected with the House and its Committees how their constituencies be nursed. The expectations of their electorate have got to be fulfilled before they go in for fresh election.

Hence, it seems expedient that the following term of the Speaker or the Deputy Speaker should be secured as a member of the House by reserving their constituency-election unopposed to enable them to act in the House independently and boldly especially while giving rulings on various parliamentary matters. This type of management would surely help in achieving high goals of parliamentary system in which a single person in the Chair handled various topical situations in the House, tries to satisfy all the sections of the House and at the same time maintains the decency, decorum and dignity of the House.

A fair and free election is the backbone of democracy. It has been the experience during the previous several General Elections that gradually the money-power and muscle-power are dominating over the moral and ethical values. The masses are either illiterate or influenced by the political parties which manipulate the situations in order to meet their political ends. Several tactics are being adopted to disturb the commencement of elections in a fair manner. All these activities are a threat to democracy. Therefore, it is high time to think seriously upon this matter in order to curb such malpractices and evolve an election-system, free of undue pressure or interference of the political parties.

In this context, a few suggestions given below seem worth considering:

- Adequate steps should be taken to apprise the citizens about their right of franchise so that they may cast their vote positively;
- Proper measures should be adopted for the correct preparation and revision of the electoral rolls;
- Issuing of identity cards to every elector should be ensured and their genuineness be checked from door to door;
- To facilitate the voting procedure, it seems necessary to provide electronic voting machines at every polling booth since this automatic device reduces the chances of faulty voting as well;
- The expenditure incurred by the political parties in election campaign should also be controlled to a certain limit in order to exercise check over malpractices of alluring the voters by several unfair means. This will help in curbing the menace of "money-power" prevalent in our present election system;
- Adequate aid may be offered by the State to all the candidates irrespective of their party affiliations;
- The practice of huge donations by the wealthy section of the society such as big industrialist etc. should be a disqualification for contesting the election;
- Election should be kept free from the influence of religious and communal feelings;

- If educational qualification of a candidate upto the level of graduation is fixed it is bound to have its impact on the entire election process and also on the future conduct of the elected representatives;
- To avoid the dominance of the 'muscle-power' it is inevitably essential to disqualify such candidate from contesting an election who have a criminal background;
- The sensitive constituencies should be kept under strict vigil so that the miscreants may not succeed in creating any sort of terror among the public before, during and after the election;
- An appeal may be launched for all the political parties to nominate persons of decent background as their candidates in the election;
- Necessary amendments may be made in the Representation of People Act to curb the criminal-political nexus;
- Severe punishment may be inflicted on those who are found guilty of adopting malpractices during election campaign.

In nutshell, some effective measures are inevitably required to make our present election-system fair and free in order to preserve the high values of democracy.

The precious and limited time of the House cannot cover up every intricate detail of various matters brought to the notice of the House. Hence, the House extends its functioning through its Committees. If the Committees are efficient in their functioning, proper and effective control can be exercised on the multifarious activities of the Executive which handles the entire affairs of the State. As the Financial Committees of the Legislature like Public Accounts Committee and Committee on the Public Undertakings and Corporations keep close watch on the financial activities of various Government Departments and Undertakings/Corporations respectively, other Committees like Assurance Committee, Petitions Committee, etc. monitor the implementation of other administrative functions of the Executive. Efforts should be made to strengthen these Committees so that they may function effectively and the entire state of affairs be managed properly which will in turn contribute to improve the over all standard of the State. If lapses are brought to limelight and plugged timely we may expect to achieve the target of exercising effective control over the Executive whose activities are grossly responsible for welfare of a State.

In the House, if we have long discussions on academic lines only and our follow-up actions in the matters discussed there are not upto the mark, it is of no avail. More necessary is to get the outcome of such discussion in the House implemented in letter and spirit in order to attain high ideals of democracy. To make the Committees more effective it is essentially required that the members of the Committee may take more interest in the deliberations of the Committee meetings and reports are presented in the House regularly. For the regular and timely presentation of Committee reports, it is equally important that the Committee staff should be sufficient in number with the latest facilities so that its smooth working can be ensured and better results can be harvested.

There are set and elaborate Rules of Procedures and Conduct of Business in our Parliament and in all State Legislatures. What is required is that legislators must conduct themselves as per these rules and procedures. Instead of evolving a fresh code of conduct for legislators, we must create a clean and healthy political atmosphere and a strong public opinion in favour of smooth functioning of Parliament and State Legislatures. We the legislators and parliamentarians need not be so nervous ourselves that unless there is somebody to control us, we act irresponsibly. Instead of putting up the Legislatures in strait-jacket of very strict rules, we should impress upon the political parties and the political leadership not to force their legislators to act in an unparliamentary way. Sometimes political parties instruct their legislators to stall the proceedings of the Houses for scoring political mileage. The legislators know the broad outlines of parliamentary practices and procedures and a new member gets accustomed to these procedures and practices in due course of time. Without any exception particularly at the national level, all political parties at sometimes or the other, depending on their convenience, issue directions to their members in Parliament and the State Legislatures to act in a particular manner. They openly direct their members to stall the proceedings of the House, obstruct the introduction of the Bills and interrupt the Address by the President and the Governor, as the case may be.

Recently, on the Tehlka issue, political parties in the Opposition at the national level, openly instructed their members to stall the proceedings. Similarly, on the Women Reservation Bill, political parties and the leaders openly announced that they would not allow introduction of that particular Bill. Proceedings were stalled, introduction of the Bill was obstructed. Functioning of Parliament was brought to a standstill. How are the individual members to be blamed? How is the lack of the knowledge in parliamentary rules and procedures responsible for making the members behave in that manner? It is for the responsible political parties and the political leadership to ponder over this sad situation. Whereas the people of the country have expressed their continued faith in the principles and ideas of democracy and reaffirmed their allegiance to Parliament and the parliamentary institutions, the political parties, I am sorry to say, sometimes waver in their faith and allegiance to the parliamentary institutions.

In the last presidential elections of USA, we have seen that 'Democrats fought to the last. Votes were counted and recounted. There were conflicting conclusions at different levels. Technically, the majority of the voters had voted for the Democrats, but when the Supreme Court upheld the legal and technical arguments of the 'Republicans', the Republican candidate was declared elected. Democratic Presidential candidate did not lose a moment in acknowledging the Republican candidate as the President of USA. The controversy ended there and then. Working of the Congress or the Senate was not interrupted or disrupted. So, our political parties must learn a lesson from this.

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Besides political parties, we, the Presiding Officers, do also have a role. We should be patient. We should ensure that the representatives of the people get an opportunity to express their views irrespective of their party affiliations. We must bear it in mind that what is important is that people's representatives must get an opportunity to express their views. No technicalities or rules should be allowed to deprive them from this opportunity. We, the Presiding Officers, have the powers to relax the rules. We must exercise them to ensure this opportunity to every member.

SHRI RAJENDRA PRASAD SHUKLA*

Today, the first and the foremost fact is that there has been parliamentary form of democracy in our country since the last 54 years. Still, we have a problem as to whether we have been able to develop a distinctive parliamentary culture. In fact, parliamentary democracy is altogether a different thing from parliamentary culture which is a more important thing. The incidents of indiscipline and uproar in our Legislative Assemblies and the Parliament indicate that democracy in this country is perhaps on the cross-roads. If the different problems of the people are discussed in the Legislative Assemblies and in Parliament in this way, the time may come when the people will have no faith in our representative institution. Therefore, it is definitely a question of crisis of faith. We shall have to see that we are not foes but friends. Today, we see a general trend in our party politics that if someone speaks something, others necessarily try to counter. It shows a lack of culture. Therefore, the two most important things for the Ruling Party as well as for the Opposition are tolerance and understanding.

In such a scenario, the role of the Speaker becomes very important. The Speaker should treat the House as a family. I was the Speaker in Madhya Pradesh Legislative Assembly for five years and now I am the Speaker of the Chhattisgarh Legislative Assembly. During my tenure, not a single demand on budget was passed without discussion in Madhya Pradesh during those five years and position is the same in Chhattisgarh also. We did not have anything like guillotine. We did not seek the help of the Marshall nor the device of suspension was used in the House. Here I would like to submit, through this House, that the Speaker of Lok Sabha, Shri Balayogi had a discussion with us and the decisions taken after that discussion were adopted and implemented unanimously not in any other Assembly but in the Chhattisgarh Legislative Assembly which passed a Resolution that any member rushing into the well of the House, will stand automatically suspended.

For this, I am thankful to the Ruling Party and even more thankful to the Opposition in the Chhattisgarh Assembly because it was unanimously passed by the Legislative Assembly. The overall responsibility in ensuring smooth conduct of proceedings; whether it is a Legislative Assembly or Parliament, is that of the Speaker. Everybody expects that the Speaker should work properly and strictly, and according to some others, taking the entire House into confidence with a family feeling. So everything is expected of him only but the position of the Speaker becomes so miserable that he finds himself helpless to do anything. However, in the history of the House of Commons, it has been mentioned that the word 'Speaker' was coined for him because he used to go before the Crown and speak on behalf of the people and on several occasions he was hanged for it. In our country, the Speaker comes from the Ruling Party. If he conducts himself according to the wishes of the Ruling Party, the Opposition gets annoyed with him and if he does some favour to the Opposition, the Ruling Party goes against him.

I know that there are some States, where, when the Speaker dared to take some decisions, he had to face the annoyance of the ruling party. Here comes the question of his political career and candidature for elections. At present, whether it is in respect of Parliament or the

*Speaker, Chhattisgarh Legislative Assembly (Original Speech in Hindi)

legislative Assembly, we cannot assume that once a Speaker, he always remains a Speaker. Unless we evolve such a convention, the proceedings of the House cannot be conducted properly. Nowadays, the situation is even worse because of coalition governments being in power. Therefore, all these issues need to be discussed.

Today, there is a need for a code of conduct for the legislators. It was considered even earlier and we are here to reconsider it, but in future we will have to take many more issues together. There is no alternative to parliamentary democracy. I would like to make it clear that if parliamentary democracy falters here, democracy as such will also be faltering.

SHRI SADANAND SINGH*

All of us have assembled here in the premises of Parliament House to discuss a serious issue like discipline and decorum in Parliament and State Legislatures. It has become a *Yaksha Prashn* (difficult question) as to how Parliament and State Legislatures can function in a disciplined and dignified manner. In this regard, discussions have been held time and again in the All India Conferences of Presiding Officers and also in various other Conferences. Needless to say, all those having faith in our parliamentary system are very concerned about it.

Our parliamentary system is very deep-rooted and strong and cannot be distroyed by any power. The word *sansadiya* is itself a symbol of dignity and decorum. Elected members are the symbol of people's expectations and are the sentinels of democracy. They are expected to maintain dignity of the House by their discipline and good conduct in the House. Their work and conduct in private life should be setting examples for the common people.

Today, it has become a common practice to raise uproar, level allegations and counter allegations, rush to the well of the House, and to create unruly scenes over trivial issues. Consequently, people having faith in democracy are disappointed. Such type of situation is required to be controlled.

In a democratic system, the Government and the Opposition should be more responsible. But it is often seen that Address by the Governor to the Legislatures is interrupted and members start speaking simultaneously. I would like to give some suggestions in regard to all these issues:

- There should be a code of conduct for the members of political parties and the responsibility for its compliance should be entrusted to the leaders and whips of all parties;
- To maintain dignity, decorum and discipline, members should refrain from shouting slogans and taking recourse to unparliamentary expressions in the House. For this purpose, all political parties should create a sense of responsibility among their members for the smooth functioning of the House;
- There should be at least one hundred sittings of the House so that the members can get opportunity to express their views and discharge their parliamentary duties;
- The Governor is the Head of the State and it is his constitutional obligation to read out the policies of the State Government. It is, therefore, necessary to let the Governor make his Address without any hindrance, for which the co-operation of the members is required;
- The Question Hour should be allowed to run smoothly because through it members raise matters of public interest and problems of their constituency and want solutions and action to be taken in this regard;

*Speaker, Bihar Legislative Assembly (Original Speech in Hindi).

- Ministers should give replies to the question with full preparation and questions should not be avoided. Ministers should also satisfy the members and the House with their replies;
- The Committee Systems should be strengthened, so that there may be more legislative control over the Executive;
- A Committee on Ethics may be constituted to run the House in a disciplined and dignified manner and which may consider matters of indiscipline and breach of dignity of the House;
- Presiding Officers should be impartial so that members may feel that justice is being done to them;
- Directions given by the Presiding Officers should be followed in the House so that the House can function smoothly. For this purpose, co-operation of the Government and the Opposition is necessary;
- If unparliamentary conduct is given prominence in the Press, Media, Doordarshan, etc. we should think about the ways to control it to a great extent. The co-operation of the Media is required to that; and

If all political parties, Government and Press/Media make concerted efforts in this direction, our parliamentary system may become more strong and unpleasant incidents in the Legislatures can be controlled.

SHRI M.V. VENKATAPPA*

The basic reason for the growing indiscipline and indecency in the behaviour of members of Parliament and State Legislatures is due to the fact that the Sessions of Parliament and the State Legislatures are not being held for as long a period as to give enough scope and opportunity for the members to putforth their constituents' grievances on the floor of the House and seek remedial measures thereto from the Government. During the recent past, the number of sittings of the Legislature have not been more than 40 to 50 days in a year. The Government convenes one or two Sessions of the Legislature in a year, sometimes two-three sessions in a year, of very few days. In order to see that the members have sufficient opportunity to putforth the grievances of their constituents on the floor of the House, I feel that Sessions should be convened at least three to four times in a year with a gap of two-three months, and the total number of sittings should be at least 100 days in a year. This would enable the House to transact not only the Government Business but also provide sufficient scope and opportunity for the members to transact private members' business and also putforth the problems of their constituencies on the floor of the House and seek remedial measures from the Government. I feel that this would help in calming the agitated mood of the members to a large extent, and thereby the proceedings of the House could take place in a disciplined and dignified manner.

Secondly, the legislators do not evince keen interest to go through the Rules of Procedure and raise issues which agitate their minds in accordance with the procedure laid down therein. In order to see that the members fully make use of the available procedural devices to raise matters of public importance, highlighting the grievances of their constituents and cooperate with the Presiding Officers in ensuring smooth transaction of business, they should be thoroughly trained. I feel that it is the responsibility of the leaders of all political parties to train their legislators by arranging training courses and orientation programmes for the newly elected members. The parties should also make an effort to hold periodic meetings of their legislators where the eminent parliamentarians, senior and experienced members could advise the newly elected members as to how they should behave on the floor of the House and at the same time, raise issues of public importance within the framework of the Rules of Procedure.

Further, the Whips of the respective parties should play a crucial role by orienting their members for positive behaviour in the House. If there is an unruly behaviour by a member, the party may even consider censuring such a member. The Whips of the parties should extend greater co-operation to the Chair in maintaining discipline and decorum in the House.

While members co-operation is the primary requirement for observance of the rules of the House, the Presiding Officers assume a significant role in the maintenance of order, discipline and decorum in the House. While the Presiding Officers should stick to the rules in conducting the proceedings of the House, they should not only be fair-minded but also apply the rules even-handedly or uniformly to the members belonging to the Treasury Benches and to the Opposition.

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*Speaker, Karnataka Legislative Assembly.

In the context of maintaining discipline and decorum during the Address delivered by the Head of the State promotive measures assume great relevance. The leaders of the respective parties should impress upon their members as to the constitutional obligation on the part of the President or Governor to address the Legislature and in fulfilling his constitutional obligation, he has to be given due respect by the members and the issues brought by the Executive through the Head of the State before the House are always open to be discussed threadbare and constructively criticised by the members, when the Address as such, is taken up for discussion in the House. Such being the case, the members should observe self-restraint and allow the Head of the State to fulfil his constitutional obligation in the House.

In conclusion, I would like to say that we should ponder over the following points to maintain discipline and decorum on the floor of the House.

- Parliament or the State Legislatures should be convened at least three or four times in a year and the duration of the sittings should not be less than 100 days in a year.
- Effective steps should be taken by the Government to hold discussions, prior to the commencement of the Sessions of the Legislatures, to discuss important issues that are likely to be brought before the House by the Government on various policy matters concerning the welfare of the State.
- Proper training and orientation courses should be conducted not only by the Legislature but also by the respective parties for their members, to inculcate in them the habit of raising issues which agitate their minds within the ambit of rules, practices and procedures, thereby maintaining the prestige and dignity of the parliamentary institutions.
- The leaders of political parties—both the Ruling and the Opposition—should consider it as their responsibility to see that decency and decorum is maintained by the members in the House in raising issues of public importance.
- The Presiding Officers and the leaders of different political parties represented in the House should also hold discussions from time to time to regulate the Business of the House.
- The Presiding Officers should not only be fair-minded, but they should also be impartial in application of rules to the members belonging to the Treasury Benches and the Opposition Benches.
- The decisions of the Presiding Officers in the House should be respected by all the members irrespective of the party affiliation, to maintain dignity and decorum of the House.

The growing incidents of indiscipline, interruptions, disturbances, disorders and indecorous behaviour by the members during President's and Governors' Addresses as also during the sittings of the Houses are matters of great concern for the Presiding Officers in particular and for the Indian Legislatures in general. In spite of inbuilt devices in the Rules of Procedure and the power and authority vested in the Presiding Officers, they sometimes find it increasingly difficult to contain the growing disorderly scenes in the Houses to maintain discipline and decorum.

My colleague Shri Keshari Nath Tripathi has just now stated what had happened in his State. An incident occurred in the Uttar Pradesh Assembly sometimes ago where chairs, microphones, etc. were hurled at each other by the members. Abusive language was also used by the members. In the Eighth Session of Gujarat Assembly, in 2001, the Speaker had to suspend the Leader of the Opposition for committing a breach of privilege and contempt of the House. It led to disorderly scenes in the House by many other members which in turn led to their suspension for the remaining period of the Session. Thereafter, suspended members gheraoed the Speaker's Chamber and made attempts to assault the Speaker by throwing chairs and other articles on him.

The disorderly conduct by members both in Parliament and in Assemblies has brought the nation to such a situation that has assumed alarming proportion in disregarding the authority of Presiding Officers.

During the last Session of Parliament, lot of time was wasted by the members by rushing to the Well of the House even on trivial issues and they halted the proceedings of the House on many occasions. In this respect, I strongly endorse the proposal of the Hon'ble Speaker, Lok Sabha, that if a member rushes to the Well of the House he should be considered as suspended depriving him of the allowances.

Another point which I would like to share with my colleagues is that the indisciplined behaviour of the members of the Lok Sabha and the State Assemblies is also due to the fact that a number of members have started entering these sacred Houses with the criminal background. Due to their unexpected behaviour, decorum, decency, and discipline of the House is violated. Here again, I would humbly suggest that all the political parties should introduce reforms in their organisational structure and the persons having anti-social and criminal background should be discouraged and debarred from entering the Lok Sabha and the State Assemblies.

One more point which I would like to stress is that maintaining discipline and decorum in the House is not the sole responsibility of the members of the Treasury Benches and the Opposition. But a lot depends upon the role and functioning of the Speaker and the way he conducts the proceedings of the House. If he discharges his duties in a fair and impartial manner, then there is no question of indiscipline and disturbance in the House. The real problem begins when he acts in a partisan and biased manner in the House. Members belonging to the Opposition feel

*Speaker, Punjab Legislative Assembly.

offended and ignored. In order to raise matters concerning their constituencies, they cause disturbance and also disrupt the proceedings of the House.

Their problems and grievances should be heard in the House itself. The question arises as to what should the Speaker do in the present circumstances. It is a hard fact that he belongs to a particular political party. He has to seek party ticket for the next Assembly election. Political party, to which he belongs, begs votes for him from the electorates for making him successful in the election. Workers of his party toil day and night with the only ambition that their candidate gets elected in the election. His political party also provides huge funds for his election. A party which does so many things for the Speaker, demands loyalty from him. In such circumstances, he cannot afford to be disloyal to his party.

Coming to the point again, I would say that if he toes the party line, he is termed as a partisan and biased Speaker and if he does justice to the various Opposition Parties in the House, he loses the confidence and faith of his party leader, a risk he would not like to take. This problem deserves serious thought and it should be solved without any further loss of time. We should try to find out some acceptable way which could save the Speaker from being called a partisan and biased Speaker and the proceedings of the House could be conducted in decorous and disciplined manner.

In the end, I would humbly submit that we may pass any numbers of laws and regulations, but if the legislators do not change their attitude, all efforts made for containing interruptions and disturbances in the House would be an exercise in futility. I would also say that the good sense and prudence of Hon'ble members can ensure orderly conduct of the House. I am of the firm view that nothing short of framing of a code of conduct for the legislators is going to serve our purpose of containing interruptions and disturbances in the House. It should be framed and implemented strictly without any further loss of time so that the smooth functioning of the Indian Legislatures could be improved.

SHRIMATI MARGARET ALVA*

We have been debating the question of better performance by members, decorum and discipline within the Houses, whether it is the Assembly or Parliament. We have to realise the Parliament and Legislatures reflect in a way the mood in the society outside. The turmoil, the frustration and at times the anger which people feel, find reflection and a voice within the Chamber. But at the same time, it is important to realise that these Chambers are also the repository of people's faith in the democratic system and what we make of those Chambers is going to determine, to a large extent, perhaps the future of democracy itself. Therefore, there is a great responsibility on the elected members to ensure that people's faith in us, and in these elected bodies, is strengthened and not destroyed.

Members have spoken repeatedly about the need for more time. I am one of those who believe that the Sessions of Legislatures have been getting shorter. We need more days and I believe that perhaps increasing the number of days as well as number of hours of work in the elected bodies is very important.

We have spoken about Parliamentary Committees. We work in the Committees but I would like to ask as to what is the impact of the reports of these Committees. I can give you just one example. The Parliamentary Committee on Transport and Tourism gave a unanimous report against disinvestment of Air India. It was widely reported but even before that report could be debated in the House, disinvestment of Air India was announced by the Government. What is the use of all the work that the Committees put in, if there is no respect for the Committee reports which are placed before Parliament as a kind of advice or opinion to Government?

There is also the question of admitting matters which are essentially of State and local concern. Members want to speak about issues which really do not come under the Union or even Concurrent subjects. And a lot of time gets taken up on issues which are really the prerogative of Assemblies or even the panchayats and the local bodies.

There is a certain amount of concern about not following the rules which already exist. We are today talking about new guidelines or rules for ourselves. But what about those which are already existing? I have a suggestion to make. I do not know whether it will be accepted or not. I believe that when we take oath for the first time in the House, should we add "to function as per the norms, rules and conventions of the House". I think when we take the oath saying "to uphold the Constitution", "the need to uphold the conventions and rules of the House" also should be added when a new member comes to the House or takes oath.

Leaders and Whips need to play a much more positive role in the conduct of the business of the House. We believe that it is only the responsibility of the Chair. The Whips and Leaders attend the meetings of the Business Advisory Committee. They take all decisions together. Most often, when they are not in the House, their own members challenge what has been decided in the BAC or in an all-Party meeting held in the Chamber of the Speaker. And those of us who are in the Chair sometimes are caught unaware because members say that they were not

*Member of Parliament, Lok Sabha

consulted and they were not concerned. They say that they want time and that we must extend the time. Whips and Leaders do need to discipline their own members a little more. As someone said earlier, members rush into the well of the House whereas leaders are always sitting. It is the members who are encouraged, as it were, to break discipline and they are the ones who most often get blamed while the leaders sit and pretend as if they do not know what is happening?

The time allotted to each party also should be strictly adhered to when it comes to the Speaker. I have seen that Whips do not want to displease their members and they give any number of names. The time gets exhausted by the first two speakers and the rest of them are at war with the Chair because their names are not called. Unless this kind of a control comes in, there is frustration and indiscipline, particularly from the back benchers who never get a chance to say what they want to say. It is because the Leaders or the main speakers have used up most of the time. But there is also the question of persons who occupy the Chair, whether it is the Hon'ble Speaker or the Hon'ble Deputy-Speaker. The rules of procedure must be enforced irrespective of whom they are dealing with. If the Chairperson or the Chairman or the Speaker does not become neutral referee, then we have what we saw in cricket "The Dennis who becomes the menace."

The Speaker has to be, at all times, neutral, independent and able to give the confidence to the members that he is actually neutral when it comes to taking decisions affecting both the Government and the Opposition. I think that this creates the atmosphere in which all can trust each other. At the same time, the Government has also got to realise that it has to consult the Opposition and both should cooperate with each other. Very often, the Government thinks that since it is in power, it can do certain things. We had been in power. I had also been a Minister for Parliamentary Affairs. I realise that often we have to push business through. We try to do it. But I think if there is some understanding between the two sides, then, the atmosphere can certainly be one of cooperation and understanding.

Coming into the Well of the House should be an offence which should be punished *per se*. I do not think there is any need for any discussion on it. I also think that the Question Hour should never be disrupted. Actually, I am for shifting the Question Hour and the Zero Hour to the evening or the afternoon Session, even at Four O' Clock so that attendance will be better and there will be no disruption. Even if adjournment has to take place, it will take place after Five O' Clock and not in the morning. May I plead that we should stop adjourning the Houses for little things? I do realise very often that when our colleagues die, we are upset. But one hour of condolence or maybe adjournment will do. I think we should come back to work and not adjourn the Houses every time a colleague has died or something has happened somewhere else.

With your permission, I would just mention about the live telecast. It was believed that live telecast would improve members' discipline in the House and they would behave better. But I think in our desire to be projected, we perform even more for the screen and for the media, and that creates very ugly scenes before the people. It would be better if we do not telecast when we do not behave like responsible Members of Parliament. I believe that this issue of telecasting does need a special consideration.

I do not want to say anything more than this. I thank the Chair for the opportunity given to me. I do hope that this Conference will create an atmosphere in which there will be more discipline, more decorum and more cooperation and better performance in our Houses. In the end, perhaps, I should add that if there are more women members in the Houses, there would be more decorum and better performance.

SHRI JITENDRA SARKAR*

The issue before us is what should be done in order to maintain the discipline and decorum in the Parliament and the State Legislatures.

It is a fact that there have been a good number of incidents of indiscipline and disorder, indecorous behaviour by the members on the floor of the House both in the Parliament and the State Legislatures. The situation has come to such a stage that it has become a matter of serious concern for all who believe in real parliamentary democracy. Decency, decorum, courteous behaviour, orderly manners, mutual respect for established statutory rules and procedures, etc. are the basic requirements for smooth functioning of the parliamentary democracy.

It is also true that the question as to how most effectively this trend of resorting to unwanted and undesirable methods often adopted by the members can be checked, has been under close examination since long. The "Background paper", which has been circulated to us by the Lok Sabha Secretariat has succinctly reproduced the progress in this field since 1992 till 2001 when the last Conference of Presiding Officers was held in Chandigarh.

All the members of Parliament and the State Legislatures are no doubt expected and supposed to realise their own responsibility as well as obligations *vis-a-vis* limitations of their privileges. If they realise this fact, then the problem will automatically be solved. Of course, the members who have no previous experience may not be well acquainted with the parliamentary rules, practices as well as conventions, and as such comprehensive training programme should obviously be conducted for the new members.

However, in the regard to the issue under discussion, the Presiding Officer plays the most vital role and he has to consider and appreciate the *pros and cons* of every issue raised in the House with all fairness and impartiality. He is the pilot and he should find out the best possible way to tackle each and every problem arising in the House. His authority should be exercised with the sole objective of conducting the business of the House as perfectly and properly possible. Admittedly, the role of the Presiding Officer is becoming more and more complicated and challenging with the change in the political picture of the country.

In this context, obviously the hands of the Presiding Officer should be further strengthened by appropriate and effective punitive provisions in the Rules & Procedure of the House and the Presiding Officer should never, for any reasons or considerations whatsoever, shirk from strictly applying the provisions meant to handle disorderly situation inside the House. Also, it is the responsibility of the members to support the Presiding Officer when he is bound to take such punitive action.

But, at the same time, I would like to simultaneously suggest that all possible measures should be taken so to allow election of only those persons who really deserve to be people's representatives in the real sense of the term and also highest priority should be given to educate

*Speaker, Tripura Legislative Assembly

the electorates who send representative through their mandate to the Parliament and the State Legislatures.

Now the time is ripe and unless we endeavour and act right at this moment to check and control the situation, we will be failing in our duties and the system of parliamentary democracy will be in peril.

SHRI SHRINIWAS TIWARI*

Our country has a parliamentary system of governance and all the elected M.Ps. and M.L.As. belong to one or the other party. They are bound by the discipline of that party. We have generally been hearing about the decline in the standards of behaviour, decorum and discipline in the State Legislatures and in Parliament. Everybody has accepted it unanimously but I am surprised to see that no party leader has said that he will take action against those who violate discipline and decorum. If no party shows the will power to do that, all our efforts will prove futile. Efforts should be made towards this end, since the responsibility lies basically with the political parties.

We have a well-established party system; so it should be the responsibility of the party leaders to ensure discipline and decorum. If we are able to implement the Resolution that we are going to adopt at this conference which encompasses a code of conduct for the legislators, to the Legislature, this Conference will prove fruitful. It should also be ensured that if party members breach the discipline and the decorum of the House, strict action is taken against them. If there is such a will and determination on the part of the party leadership then it will be much easier and it will be convenient for the Speakers to conduct the business of the Legislatures in a smooth manner.

We can maintain discipline and decorum even today by following the existing rules, laws and procedures, but there is a lack of willingness. So, I think we need to strengthen our will to confront the situation effectively.

*Speaker, Madhya Pradesh Legislative Assembly (Original Speech in Hindi)

SHRIMATI K. PRATHIBHA BHARATHI*

In a democratic set-up, especially a representative parliamentary democracy, the Legislature enjoys a unique position. In India, which has deliberately chosen the parliamentary system of Government, the Parliament and the State Legislatures enjoy a place of primacy and pre-eminence in the governance of the country. The behaviour of the legislators is crucial.

When we talk of legislative behaviour, the image that immediately comes to the mind of a common man is that of the present-day happenings in Parliament and in various Legislatures.

The respect and dignity of a Legislature depends upon the very conduct of its members. Since members occupy a very high and esteemed place in the eyes of the people, their conduct and behaviour, both inside and outside the House, should be such that would help not only in maintaining the efficiency of the institution, but also in enhancing its respect in the hearts of the people. Members are also expected to maintain ethical conduct in public life.

Unfortunately, discipline and decorum in Parliament and the State Legislatures are fast deteriorating due to sudden increase in undesirable incidents taking place in the Houses during the past few years in our country. The incidents of *dharnas,* slogan-shouting, coming into the well of the House, not leaving the House after being named by the Chair or suspended by the House, etc., undermine the trust and faith of the people in the entire democratic system.

The occurrence of such incidents usually raises the question, in the minds of the voters as to why the elected representatives are behaving in such a manner. As a result, the people are slowly losing faith in the parliamentary democratic system.

Parliament and the State Legislatures are the training centres for leadership. However, these sacred institutions are often assailed by disorderly behaviour. Parliamentary discipline and decorum are not artificial but should be intrinsic. They should flow out from within because they are necessary for the well-being of the institution.

We come in the Legislatures not to further our own interests, but as a willing tool in the hands of the people to serve their purpose and to carve out something, which would be beneficial to one and all. I feel that whosoever ventures into the polity must make it clear to himself that the Legislature is a sacred place, because the good of the people is worshipped here. It is, therefore, of paramount importance that the members should behave in an orderly and disciplined manner and should maintain decorum in the House.

Parliamentary practices, procedures and conventions make for orderly and expeditious transaction of business and impart an element of stability to the course of proceedings within the House and afford a chance to the members of every side to make their contribution to the business in the House. It is, therefore, important that members should follow various rules and guidelines, conventions, customs, precedents and parliamentary etiquette and must obey the directions and rulings from the Chair, in the interest of parliamentary decorum.

*Speaker, Andhra Pradesh Legislative Assembly

The efficient functioning of the Legislatures primarily involves the effective utilisation of the time of the House. It is understandable that the time available to discuss many subjects and topics that are sought to be raised on the floor of the House is limited. In order to accommodate maximum number of members, it is necessary that speeches should be to the point and should not exceed the allotted time. But the experience shows that the time spent on legislative business in the Legislatures has been dwindling. The situation generally in respect of discussions on budget items is still worse because Demands for Grants to the tune of millions of rupees are voted without adequate discussion.

With the objective of upholding the dignity, decorum and the prestige of House and its members, our Andhra Pradesh Legislative Assembly adopted a code of conduct governing the conduct of members inside and outside the House. The code of conduct is very crucial and significant not only for the members but also for the healthy survival of democracy.

Time is now ripe for us, the legislators, to rededicate ourselves to the principles of democracy, which has prevailed in India from the Buddhist era, and raise our standards of behaviour to the level obtaining in ancient times. All legislators should join together to uphold the dignity, discipline and decorum of the Parliament and the State Assemblies as the Chair by itself, cannot enforce discipline in the House. Let all the members of Parliament and State Assemblies take an oath that they will abide by the Rules and Procedure and maintain discipline, decorum and dignity of the House.

SHRI PRANAB MUKHERJEE*

I have the privilege of participating in the drafting of the Resolution which will be placed for the consideration of the House by the Deputy Speaker. Therefore, I would like to place my observations on a few points only.

This Conference is basically to address decorum and discipline within the House. This issue is most relevant because Parliament or any corporate body cannot transact any business unless there is discipline and decorum. But at the same time, perhaps we cannot ignore certain basic substantive facts, which are over looked. We are grateful to the Speaker of Lok Sabha and the Vice-President of India for drawing our attention to some of these very pertinent issues, which are the substance of our parliamentary democracy.

A democratic institution loses its relevance and importance if it fails to address the basic issues. The Constitution has given the legislative bodies certain very fundamental authorities, specially to control the Executive and ensure its accountability to the directly elected House over legislation, money and finance. It just reminds me one thing. In the early 1950s, how much time have we devoted on money and finance, and on legislation? Compared to that, how much time are we devoting now? If I remember correctly, in the first Budget of Independent India presented on 26 November, 1947 by Shri Shunmugam Shetty, the total revenue budget of the Government of India was approximately Rs. 171 crore and the total revenue expenditure was approximately Rs. 197 crore with a deficit of approximately Rs. 26 crore. And for that, Parliament debated for many days. In the last Budget in 1999-2000 our total revenue receipts are approximately Rs. 1,82,000 crore and our revenue expenditure is more than Rs. 2,49,000 crore. How much time have we devoted to sanction this huge amount of money to the Executive? All of us know it. These are the aberrations that are to be addressed. For that, surely, discipline and decorum are called for. It is not merely form but it is also substance that is important.

Many of our senior leaders have lamented over the discussion on the Plans. I remember, the total Second Five-Year Plan outlay was Rs. 4,800 crore and for that Parliament debated for days together. The Ninth Plan outlay was Rs. 8,59,200 crore and there was no discussion in the Lok Sabha where it is more appropriate. because without authority of law, nobody can levy any tax or collect it, no expenditure could be incurred unless it is approved by the Legislature and no money could be withdrawn from the Consolidated Fund, either of India or of the States without the sanction of the appropriate Legislatures. If these things are diluted, the very essence of the institution gets diluted and ultimately it becomes irrelevant.

In this connection, I would also like to draw attention to another aspect where the responsibility of the Executive lies. Parliament and Legislatures have the authority because the Council of Ministers is accountable to the directly elected Houses. There is a Constitutional provision that a person could be appointed as a Minister even if he or she is not a member of the Legislature and can have a grace period of six months. I would not like to mention the name of the State

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but it happened that a person who was not a member of the Legislature was appointed as a Minister and when 180 days were over he resigned for a day and the next day he was re-appointed as a Minister. Now, what would be the reaction and response of the Legislature to such things?

The Executive has the power to make immediate and urgent legislations through the route of Ordinances but in order to ensure that it gets ratified by the appropriate legislative bodies, provisions in the Constitution are there that within six weeks of the next assembly of the legislative body the Ordinances are to be ratified. But if the power of Ordinance-making gets misused for achieving a single objective, the institution of legislation-making process gets seriously distorted. In that case, it surely creates tension which gets reflected in some sort of unruly activities.

In the Constitution, there is a provision that you can get the summary approval of the Legislature to meet your immediate expenditure through the Vote on Account but you will find that in many States no regular Budget is being presented. Of course, at the end of the year, a regular Budget is presented but one, two or even three Vote on Account are taken. Naturally the members of the Legislatures would feel frustrated. Therefore, my most respectful submission through you to this House, which represents the Executive and the Legislature, would be that wherever there are aberrations they may be corrected and constitutional responsibilities should be discharged not only in letter but in spirit also.

KUMARI MAMATA BANERJEE*

At the outset, I would like to congratulate the Speaker and the Deputy Speaker of Lok Sabha and the Panel of Chairmen. They are doing a very good job. A conference has been called this morning. I, on behalf of my party, welcome the decisions taken in the Conference. I would like to mention a few more points on the theme of the Conference.

As people's representatives, we ventilate their views and grievances. While doing so we should always remember that in a democratic set up, power changes hands. If a party is in power today at the Centre, tomorrow it might be in the Opposition. Similarly, it is not necessary that the Ruling Party at the Centre will rule in the States as well. That is why, we should never exceed our powers and should learn to respect each other. After all, it is the democracy and not the chair which is permanent. Parties may come and go but the democracy will continue forever.

Keeping this aspect in mind, the Ruling Party should maintain congenial and respectful relations with the Opposition Parties and *vice versa*. The code of conduct cannot be implemented only by its formulation. It can be implemented only when we appreciate and support it strongly. When you do not allow a public representative to speak in the House and do not listen to him, he gets agitated. That is why, if the Speaker/Chairman in the Chair is impartial, most of our problems are solved automatially.

I firmly believe that we all should work together towards ensuring a 'working understanding' between the Ruling Party and the Opposition despite their political differences.

In my opinion, to ensure impartiality of the Chair, a member on election as Speaker should sever his political affiliation or his political identity. This way, no injustice will be done to any member. The public representatives must be assured of the impartial management of the House by the Presiding Officers.

My second suggestion is about increasing the number of sittings of State Assemblies. Leave aside small Assemblies, even some of the big Assemblies meet for less then 50 days in a year. Many important issues go unheard due to paucity of time and the legislators also do not get opportunities to raise the issues that they consider important. It is, therefore, necessary that the days of the sessions are increased.

There is a growing tendency to create pandemonium in the House, thereby forcing the House to be adjourned frequently. It so happens sometimes that members are beaten up in the House by the police at the behest of the Government. I do not want to name anyone but I would like to say that it is not proper to get the members of the Opposition beaten in the House by the police. I would, therefore, humbly request all the Speakers, that they should not allow this to happen inside the House.

I would like to mention one more thing that it is not proper to say that all the people's representatives are bad and corrupt. This is entirely untrue. In my opinion, the act of mischief

*Leader, All India Trinamool Congress in Lok Sabha and former Union Minister (Original Speech in Hindi)

committed by one person does not place everybody in the same category. I would like to say that ninety per cent of the people's representatives still work with dignity and prestige. They work with a sense of sacrifice, dedication and determination for the public.

In a nutshell, I would like to emphasise that we need to respect the principles; we need to respect the ideologies and above-all, we need to respect democracy. Then only we will be able to work in harmony.

SHRI ELA PUGAZHENDI*

I am a member of the Tamil Nadu Legislative Assembly which is one of the oldest Houses of Legislatures in India and which had given to this nation many great laws and set many examples of democratic values and practices. We have witnessed many incidents where the Opposition Parties in the Houses had been instrumental in the rectification of many errors in the making of a legislation, and helping the Ruling Parties to uphold democratic values and giving civilized laws to the nation.

The Ruling Party and the Opposition Parties are two units of the Legislature which play two different roles in the respective Houses. The administration of the State or the country falls in the hands of the Ruling Party. A numerical majority in the House may help the Ruling Party to bring in any legislation or resolution and get through with it. But the voice of the Opposition alone can mend the errors and fallacies which would have been over-looked by the Ruling Parties in their enthusiasm in making laws.

Hence the Presiding Officers should consider it their duty to provide sufficient time to the Opposition to air views and restrain the Ruling Parties from muffling the voice of the Opposition. Our great leader Arignar Anna had always believed and taught us that, "The jasmine in the enemy's garden also has fragrance". Therefore, in the making of a civilized democratic nation, the importance of the Opposition Parties should be recognised and respected by the ruling parties.

Before concluding I wish to quote a great saying of Mark Twain. He said:

"In our country we have those three unspeakably precious things; freedom of speech, freedom of conscience and the prudence never to practice either of them."

I hope, this Conference shall provide the people of India the will to practice both the freedoms to the welfare of the nation.

*Whip, D.M.K. Party, Tamil Nadu Legislative Assembly

PROF. N.S. PHARANDE*

Today, at this historic place, we are discussing a vital subject which has engaged the attention of all right from luminaries to the officers of the Legislative bodies and other institutions in India. That way, the matter has been receiving attention since years. Many conferences, symposia, seminars and meetings have been held wherein resolutions have been passed. Calls have been given and appeals have been made. I need not go into the definition of the Code of Conduct or Ethics Committee or the Committee on the behavioural pattern of the members, whatever you may call it. Right from the Bhandari Committee and the Committee headed by Smt. Durgabai Deshmukh both of which deal with the Mudgel case, and of late, through the Ethics Committees constituted by Rajya Sabha, Lok Sabha, Andhra Pradesh Legislative Assembly Himachal Paradesh Legislature Assembly and so on, we have formulated certain do's and don'ts for the members of the Legislatures as well as party leaders, whips and so on.

Many members have articulated their views and made valuable suggestions, and this august Conference will certainly give shape to whatever is expressed in these deliberations. But I am going to focus, on some other points which form an important part of the main issue. What we see today is rather distressing and disappointing. For days together, proceedings are not allowed to be conducted, Presiding Officers are gheraoed, members take recourse to *dharnas* in the Well of the House, go on fasts near the chambers of Presiding Officers and so on. I am of the firm opinion that *dharnas, gheraos* and demonstrations are the off-shoots of the feelings and grievances of members against the Executive and, hence, they should not be held in the premises of the Legislature, because, Parliament or the Legislature is not the office of the Executive.

I may be excused if I say something about the role of the Press in this connection. Of late, we have been observing that the Press, the various television channels and cable networks have become very vocal in the matter of proceedings of the Legislature. Therefore, I for one feel that they should be kept at bay for obvious reasons. We have seen that for one reason or the other, the atmosphere in the House gets surcharged because of sudden outbursts from the members on a particular issue, and as a result, pandemonium and uproarious scenes give way to the otherwise calm and sober atmosphere. As a matter of fact, the House is a supreme body which is meant for discussion, deliberation and persuasion. But here, the poor Presiding Officers are put to test and it is really strange to see that on the one hand, members ignore the orders and directions of the Presiding Officer and on the other, a systematic ploy is worked out whereby members present themselves before the cameras of Press and news agencies outside the House and give them "sound-bites" of whatever they want to say, or discuss about matters they are concerned with. The result is, substantial amount of publicity is given to members and matters which are not part of the regular proceedings, and thereby the House is reduced to a nullity. Really, it is a pathetic scenario.

We have seen that in certain cases, placards and banners with objectionable inscriptions are displayed in the House for the so-called expression of grievances. Noisy scenes have become the order of the day and a very unfortunate part of this is that this is exhibited to the outside

*Chairman, Maharashtra Legislative Council.

world, and people—right from school going children to grown-up persons—watch this entire show with dismay. This has to be stopped immediately.

We all are very conscious about the rights and privileges of the members for years together, we have conveniently forgotten that the House is equally powerful to punish its errant members when they resort to misconduct such as rushing to the Well, *gheraoing* Presiding Officers, persistently defying their orders, manhandling other members, etc. Indeed, the question posed by layman or man-in-the-street is that when you are so very sacrosanct about your rights and privileges, then why not set an example to others first by binding yourself with self-discipline and restraint which is a *sine quanon* for an effective parliamentary system.

Today we are discussing the subject wherein we expect legislative bodies to be above board. They should set an example for others by their impeccable honesty, rectitude, transparency and accountability. This can be achieved only if we have self-introspection and self-discipline. All of us assembled here owe this to posterity, otherwise precious time will run out and the consequences will be disastrous.

I may mention here that I was fortunate to be nominated by Shri Balayogiji, Hon'ble Speaker, Lok Sabha, as the Chairman of the Committee on "Procedural Uniformity and Better Management of the Time of this House". I am happy to note that we received tremendous response from all legislative bodies in respect of the questions that we had put to them. We have targeted certain areas and made recommendations accordingly. The report of the Committee was adopted unanimously at Chandigarh and this Conference is a further step taken by respected Balayogiji to give concrete shape to what we have decided and recommended. It is the zeal and enthusiasm instilled by Shri Balayogiji among the Presiding Officers that has made this Conference most successful and lively.

Before concluding my remarks I would like to quote Pandit Jawaharlal Nehru, the doyen of parliamentary democracy in this country. He said:

> "We chose this system of parliamentary democracy deliberately .... we chose it.....because we thought it was in keeping with our old traditions also.... Now it, particularly democracy demands many things, demands of course ability, it demands a certain devotion to work as every work does. But it demands also a large measure of co-operation, of self-discipline, of restraint. It is obvious that a House like this cannot perform any function without the spirit of cooperation, without a large measure of respect and self-discipline in each member and in each group.

I would also like to quote from the speech delivered by the then *Up-Rashtrapatiji*, respected K.R. Narayananji, while inaugurating the All-India Conference of Presiding Officers, Leaders of Parties and Whips in New Delhi in September, 1992: "I should, like to assert that respecting Parliament is an important intangible that contributes to the sustaining of our nation. And enabling the smooth and unobstructed functioning of the Parliament and the Legislatures, upholding the authority and the dignity of the Presiding Officers, and acknowledging the members as representatives of the sovereign people, are essential for the cohesion of our body politic and the functioning of our political system...."

Finally, I wish to make a humble request to Respected Prime Minister, Respected Balayogiji and all distinguished personalities who have solemnized this Conference with their presence and thought provoking speeches, to give utmost importance to the matters which have been confronting parliamentary democracy in this country. Otherwise the situation is very grim. One is reminded of the Bhagvat Gita which is very relevant to this situation. Lord Krishna said: "Everybody has to follow his '*Swadharma*' and if they do not follow their '*Swadharma*' then the whole society will collapse."

For all of us, the Parliament and the Legislatures are sacred institutions and our '*Swadharma*' is to defend and strengthen these institutions with all will and determination. Let us resolve accordingly and let us act accordingly.

Speaker is the person who speaks less. I do not want to repeat the whole thing again and again because we are on the same subject and I am in the Sub-Committee, which formulated the Resolution.

However, most of the Speakers have mentioned the reasons for pandemonium in the House. I would like to touch upon the cause for such a pandemonium. One of the main reasons for such a pandemonium, to my mind, is improper reply given in the House by the Ministers. Many times, the transparency is not there in the dealings. That causes frustration. However, I must state here that in a democratic set up, there has to be transparency. Lack of transparency does not go well in a democratic set up.

I would suggest here that model rules should also be prepared by the Parliament and circulated to all the legislators in the country. What constitutes a serious offence and what constitutes a minor offence should be properly specified. The legislators in different States may not be very clear about this. Transgressing into the Well may be considered as a serious offence. Disturbance of the proceedings of the House may also be considered as a serious offence. But there are a number of legislators in the country and, therefore, I would suggest that some model rules be circulated amongst the Legislatures so that their Rules Committees can take up these matters and formulate the rules accordingly.

One of the other reasons that causes pandemonium is that people who have criminal background, become members. We have criminalisation of politics. Persons with criminal background have been given tickets. It is for the political parties to ensure that such persons are not given tickets to contest elections.

I think, I have said enough and I do not want to repeat what others have said. I have expressed my views regarding the pandemonium that takes place in the Legislatures. The working of the Houses is disrupted many times. There are adjournments. This gives a bad picture of the Legislators in this country. I hope the Resolution to be adopted during the Conference would be taken seriously and implemented in all Houses.

*Speaker, Goa Legislative Assembly

DR. MANMOHAN SINGH*

In a parliamentary system of Government, Parliament has enormous power and with that power goes enormous responsibility. After all, the Government is accountable to Parliament in the ultimate sense of the term. Much has been said this morning and this afternoon about how to maintain decorum and discipline. It is not for want of rules, procedures, customs and traditions that we have reached a sorry state which invites a lot of adverse comments on the functioning of Parliament and the State Legislatures. What has been missing, is the will to enforce those rules and procedures and to abide by well-laid out customs and traditions. These rules exist, but if once again it is necessary to articulate them in the form of an explicit code of conduct, I think we would all welcome that.

But there is one issue which goes beyond discipline and decorum. It has a very important bearing on the functioning of parliamentary system and that is, the responsibility of Parliament to ensure sound management of our country's finances. Today, the fiscal deficits both at the Centre and the States collectively have reached unsustainable levels. Year after year, we have a situation where revenue deficits are growing and these are being increasingly financed by borrowing. We all know that borrowing is not bad if it is used to finance investment, but if borrowing is used to finance consumption, that surely can lead only to a debt trap. In the same way, we have a situation where not many State public enterprises are functioning in a manner which does credit to the orderly financial management in our country. The law of the land says that all State Electricity Boards must be run in manner that they earn a minimum rate of return of three per cent. Yet, most of the State Electricity Boards are being run and managed in a way that they make losses year after year. We have a situation where in many States, public enterprises do not have audited accounts. Therefore, if we take parliamentary accountability very seriously, I think this august House must also find time, if not on this occasion, but on some other occasion, to look into the way the finances of our country, both at the Centre and the States, are being managed because the present state would lead to disaster unless timely measures are taken to reverse the tide.

These may not be thoughts very relevant to today's circumstances, but these are thoughts that occurred to me which I thought I must share with this august House.

*Leader of the Opposition, Rajya Sabha and former Union Minister

SHRI DHIRUBHAI SHAH*

The concept of good governance and ethics in public life has its origin in the evolution and growth of civilization. The very existence of civilized society is based on certain standards of behaviour and well-accepted norms of conduct which the society expects from its members. Almost all the religious philosophies on the earth have preached and propagated the moral principles and rules of conduct and behaviour from time to time so as to preserve harmony in the society. Such moral principles and rules of conduct and behaviour are in common parlance termed as ethics. The word ethics by its very nature is a broad expression, which cannot be defined exhaustively.

In almost all walks of life, the existence of certain conduct of behaviour and norms has been established over the years. In every trade and profession also we find such norms. Likewise, in our parliamentary polity, there are certain well-accepted norms of behaviour, which are aimed to dignify the functioning of our Legislature. Such norms of behaviour have been derived from certain customs and conventions, some unrecorded traditions of parliamentary etiquette, precedents and rulings of the Presiding Officers. These are not surfaced politeness, but are the real foundation of our edifice of parliamentary democracy. The parliamentary decorum demands that the members of Parliament/Legislatures should observe certain standard of conduct and behaviour inside the House as well as outside it. This can be done effectively by personifying the highest standard of personal integrity, probity and rectitude. They have to control themselves as well while attempting to control others. The objectives of ethics and good governance are, therefore, similar. Both expect the politicians to work in the public interest.

Ethical norms in public life have assumed much concern in many countries of the world. The United States Congress has been a pioneer in the area of ethics and code of conduct related matters. The United States Senate has a Select Committee on Ethics while the House of Representatives has the Committee on Standards and Official Conduct. Over the years, these two Committees have come up with well-laid out concept on ethics/code of conduct. Similarly in the United Kingdom, the House of Commons has constituted a Committee on Standards and Conduct of Members. On Committee's recommendations, the House has set up a Select Committee on Standards in Public Life. In Australia also the documents of fundamental principles and the minimum standards of behaviour from members and Ministers is under consideration.

In India, no definite code of conduct for members has so far been laid down. However, the Rules of Procedure, precedents and the Rulings from the Presiding Officers provide certain norms of behaviour and etiquette for the members. Such norms are aspirational rather than prescriptive, as no specific legislation has been enacted so far in this direction. Even though the House has the inherent powers to expect observance of such norms by the members, the House can investigate the conduct of members as and when the need arises. After investigating the conduct, if a member is found guilty, the House has the power to punish him.

Inspite of the above position, observance of certain standards of behaviour by the members of our Legislature has not been encouraging so far. During past few years we have witnessed

*Speaker, Gujarat Legislative Assembly.

frequent incidents of disruption of parliamentary proceedings because of acrimonious scenes within the House. More often, the business schedules were also thrown into disarray leading to adjournments of the House for a number of days which ultimately resulted into loss of time and money. Quite often, there took place, heated discussions in the House, which ultimately gave way to wordy duels leading to commotion and pandemonium. There might have been number of reasons for such a state of affairs. But such frequent untoward incidences of misbehaviour of the members in our Legislature ultimately undermines the sense of respect for the institution and impairs its credibility. I think such incidences of obstructions in the business of the House that take the form of deliberate disorders are of serious concern for all who believe in the survival of our system.

The first and foremost reason for the decline in the impact of Parliament/Legislatures over the administrative machinery is the behaviour of a member. Every institution is primarily atoned by the behaviour of its members. Formerly, scholars and the persons having vast experience in the public service and commanding respect in the society were chosen by the political parties for being members of these institutions. Nowadays somehow or other, these criterias are neglected and political parties concentrate on winning the elections. These facts have changed the face of Parliament/Legislatures and the discipline and decorum have become the matter of past.

The President/Governor being the Head of the State performs the constitutional duties by addressing the House. The members are supposed to observe utmost discipline and no disturbance should be created during his Address. In the initial years of independence, no incident of any disturbance had occurred but now it has become a routine. The political parties and all concerned very well know that the Address to the House is prepared by the Council of Ministers and the President/Governor, being the ceremonial head is not responsible for the contents of the Address to be made by him to the House. Despite this fact, the members resort to creating disturbances during the Address to the House, which mars the dignity and decorum of the House.

Besides disturbances during the President's/Governor's Address, the growing incidents of indiscipline and disorder even on simple matters by the members on the floor of the House is a matter of great concern. Nobody even bothers about the impression the persons sitting in the gallery carry in their mind. They also do not care in the technology age, what kind of an impression the masses, watching the live telecast of such proceedings have in their mind for their representatives! Thus, demonstration of articles and placards, slogan shouting, rushing to the Well, disturbing the member who is speaking, fist fighting and persistent disregard of the order of the Presiding Officer have become routine affairs of the House.

The Eighth Session of the Gujarat Legislative Assembly was summoned on 19th March, 2001 for taking Vote on Account for the ensuring financial year as the State Government and its entire administration was busy with the relief and rehabilitation work arose out of the earthquake disaster in the State. During the Session, there was an Agenda of discussion on two major issues affecting the people at large in the State. One of the issues was the second consecutive year of drought situation and the other issue was the world's worst and disastrous earthquake that shook the entire Gujarat, claiming the lives of thousands of people and leaving behind destruction and total devastation to properties worth billions of rupees. At such a juncture, it was expected that the members would discuss these two major issues and find solutions to tide over the situation during the Session. However, unfortunately the Session had started with uproarious and unruly scenes when the Hon'ble Governor came to address the august House. The commotion and pandemonium continued for 4 days consecutively on petty matters. The message of these uproarious scenes and other untoward incidences that took place inside and outside the House went through the media throughout the country. I could only remain as a mute witness to all these incidents, which compelled me to announce observing a token fast of 24 hours to strengthen the parliamentary democracy. I received tremendous support for my action from

various quarters. My action was neither against any political party nor any individual but for the sake of restoration of parliamentary values and traditions. Therefore, the Leaders of both the parties of my House shared my views and assured me that this kind of incidence will not be allowed to be repeated in future. I am thankful to both the Leaders and to my House that subsequent Budget Session for a month went on very peacefully and smoothly as all the members really observed discipline. I am also thankful to the Hon'ble Lok Sabha Speaker Shri Balayogiji for acceding to my request made in my letter dated 12.4.2001 to convene this high level Conference. My counter-parts throughout India had also expressed solidarity and moral support to my action. While complimenting and encouraging for my action, they also appreciated my stand for which I am thankful to them. Action speaks louder than words and I believe in action. After the unfortunate incident, my action of holding the token fast has brought the desired result.

We all are well aware that the Presiding Officers have to play a very crucial role in upholding the parliamentary traditions and values. If we do not combat the menace at this juncture there will be a great loss to our democratic society. In order to preserve and strengthen the confidence of our people in the democratic set up of governance, I feel it is high time for us to evolve some sort of punitive actions on the issue. Framing of a code of conduct for the members is one of the aspects for resolving the problem. We all know that the members of the Legislatures have certain privileges for discharging their parliamentary functions. While enjoying such privileges, they have to discharge certain obligations and responsibilities towards the people at large. Hence, relevance of ethics in public life and privileges are inter-linked. There cannot be any separate existence of each in isolation.

The code of conduct and ethics in public life should invariably incorporate the following aspects of our parliamentary behaviour :

- Mandatory annual financial disclosure of income, gifts, honorarium, outside earned income and the use of official resources.
- Restrictions on outside employment alongwith post-employment restrictions.
- Registration on members' pecuniary interest before taking seats in the Legislature/ Parliament and compilation of such register by an independent authority who should disclose the registered pecuniary interests of members to the public.
- Declaration of members' interests in respect of written notices, resolutions, questions, participation in a debate, etc.
- Total ban on all kinds of advocacy in respect of their parliamentary duties.
- Certain stipulations in respect of administrative accountability and public accountability.
- Stipulations in respect of attendance of members in the House/Committees.
- Stipulations in respect of unauthorized disclosure of confidential information.
- Restriction in respect and disposition of gifts from foreign governments.
- Mandatory punitive provisions in respect of violation of any law of the land.
- Total ban on political defection after election to the respective House of Legislature.
- Total ban on acceptance of inducements/gratification's for putting questions/tabling notices.
- Declaration in respect of assets/private holdings/interest/hospitality/liabilities. For this purpose members should be required to file financial disclosure statement immediately after their elections to the respective House. They are also required to file revised statements whenever any change occurs.
- Suitable provisions for fulfilment of constituency responsibility by a member.
- Ban on unethical lobbying by a member.
- Provisions for training and orientation.

Over and above, the existing guidelines and norms should also be incorporated in the proposed code of conduct with suitable modifications. The other aspects and issues which are directly or indirectly related to the conduct and behaviour of our Legislators are also worth mentioning here. Ethical principles are equally applicable to elections, which are pivotal in any democracy. The elections also present a severe most test for any prospective legislator. As stakes are high during all elections, the determination of candidates has often led to electoral malpractices. Degradation in moral values and perceptible lack of morality in the conduct of public life has brought the whole concept of politics to disrepute. The corruption and criminalisation of politics have cast a shadow on the very utility of our representative institutions. The Vohra Committee's Report has explored the nexus between the politicians and the criminals. Since the presentation of Vohra Committee Report, no concrete action has been so far undertaken after a lapse of more than six years. Such a state of affairs tends to negate the very credibility of our institutions which hinges by and large upon free and fair elections. Therefore, it is high time for us to amend the existing election laws so as to check the criminals from entering into politics. There is an urgent need for comprehensive electoral reforms. The matter may be deliberated upon in depth by all political parties, which may come up with concrete proposals for rooting out this malice from our polity.

It is my experience that passing of a resolution or prescribing a code of conduct will not help us in improving the situation. Some inbuilt provisions in the Rules of Procedure and Conduct of Business are required to be made so that members attempting to create disorders are automatically made punishable. What happens at present is that everything is left on the shoulders of the Presiding Officers. If a resolution suggesting punitive action against unruly members is put to vote, the Presiding Officer is blamed as to why he has put the resolution for voting. Some inbuilt provisions are required to be made in the rules of the political parties also. At least the Presiding Officer can expect that when leaders are present in the House they will try to control their members instead of instigating them for creating disturbances. If something untoward happens in the presence of the leader, the higher ups of the political parties at national level should ask for the explanation of the Leader on such incidence. One of the reasons for the disturbance is the frustration of members for not getting enough time to place their views. As Chief Ministers and all concerned are present here, it is suggested that the sittings of the House should be increased and the tendency of summoning the House for the sake of fulfilling the statutory requirements of six months should be avoided.

It is a matter of hope that the Leaders of political parties and Presiding Officers are very much worried about such a situation and insist upon coming out of this unfortunate situation, otherwise the people will lose the confidence on the democratic system. It is a matter of pride that the Hon'ble Lok Sabha Speaker has thought in this direction and convened this Conference of the concerned authorities, such as the Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders of Parties, Chairman of the Committees, etc. for finding out a solution for smooth running of the House.

Let us now hope that the consensus being arrived at in this Conference would bring greater wisdom on the representatives of the people so that ugly scenes in the Parliament/Legislatures would be stopped for ever and that emotional outbursts will not hamper the decency and decorum of the House. The success of democracy depends not so much on having well drafted provisions in the Constitution but it depends in the final analysis, on the way the system works. Democracy makes certain assumptions about the capacities and virtues of men. It requires willingness of the parties and party-men to abide by the rules, which require some measure of restraint to be applied. Governance through debate and discussions is the essence of parliamentary democracy. Therefore, it should always be kept in mind that the majority shall not close the doors for discussions and that the minority in its turn shall accept the verdict of the electorates. In a healthy democracy, both the Ruling and the Opposition Parties have a responsibility to the country and the people will judge them in the discharge of the responsibility.

In view of the newly emerging social forces, greater responsibility lies on the elected representatives who are responsible for the future of this country. No doubt, it is heartening that at times tremendous faith in democratic values has been shown by all political parties in the country. Due to their wisdom, India could complete more than fifty years of independence and come out as world's largest democracy. Today, the seeds of democracy have taken deep root in the Indian soil and our parliamentary institutions have grown from strength to strength despite many hurdles. This is all the more significant in view of our country's colossal size and a large population having different religions and faith, speaking different languages. The beacons of democracy have become extinct in many countries of Asia and Africa, the light still shines in India mainly because the foundation of strong moral values and parliamentary traditions laid by our veteran leaders like Vithalbhai Patel and Dadasaheb Mavalankar, both of them had taken enormous pain in evolving our Parliamentary Practices and Procedure. Now it is high time to adorn our democracy with discipline and decorum. Foremost thing that every leader and legislator is required to adopt is a democratic approach through patient hearing of others views and for fulfilling this requirement tolerance is the essential element.

Ultimately, success or failure of any system depends entirely on the ideals and standards set by our political parties, their policies and programmes, their pattern of behaviour and content. True democracy is one in which all shades of opinions jointly participate in decision-making processes. The people of our country by and large want the system to survive. Although some people want to run it down as being unsuitable to meet our growing requirements and solutions to our problems. Of course, there is no sense in decrying the system if we do not have the requisite honesty and integrity for strengthening the present system. Unless and until certain basic maladies are tackled we cannot achieve the desired results in this direction.

I firmly believe that this Conference will become a historic Conference in the history of parliamentary democracy. I am confident that the deliberations and discussions, which are taking place in this august gathering and the Resolution which we desire to pass and the code of conduct which we desire to frame will be suitable to further strengthening our system in conformity with the saying "How the Institutions' work depend upon the people who work them".

We are fortunate that the participation of luminaries like the Hon'ble Prime Minister, the Hon'ble Vice President, the Hon'ble Lok Sabha Speaker and other veteran parliamentarians in this Conference will definitely benefit us with their vast spectrum of knowledge and able guidance.

I also express my heartfelt gratitude to the Hon'ble Lok Sabha Speaker and also the Lok Sabha Secretariat for nominating me as one of the Members of the Drafting Committee, which gave me an opportunity to share my views with the Hon'ble members of the Committee and veteran parliamentarians.

SHRI INDER SINGH NAMDHARI*

Jharkhand is a newly formed State and it has celebrated its first anniversary on 15 November, 2000. I am pleased to say that we have tried to take concrete steps in respect of the code of conduct which is being discussed here. Like Madhya Pradesh, we have also implemented the system of half-an-hour weekly Question-Answer session with Chief Minister in our State. Members may put questions to Chief Minister on policy matters on every Monday after Question Hour for half-an-hour. Besides, we have also decided to confer '*Utkrishta Vidhayak Samman*' (Outstanding Legislator Award) annually on such a member of the Legislative Assembly whose all round performance is adjudged to be the best. Petitions can be accepted throughout the year even if there is no Session, provided a member countersigns it. All these provisions are being implemented. As the Speaker of the Gujarat Assembly has said that there is also a need to expedite it.

The Presiding Officers will be responsible for the implementation of the code of conduct that is being framed. We have heard Dhirubhai Shahji's revelations about the circumstances a Speaker has to face. What steps are being taken for the protection of the person who is responsible for the implementation of the code of conduct? I don't know whether this issue will be discussed while framing the code of conduct because the code sounds good so long as it remains on paper. But what happens at the stage of implementation is known only to those who have to implement it. If the Speaker is completely impartial he becomes the target of the Ruling Party, if single party government is in power. Sometimes, there is a campaign to remove him from the Office. I have seen a number of Speakers being dropped from the list of candidates contesting forthcoming elections. They are not given any financial aid. It is said that they were very impartial, so let them face the music. Therefore, some provision should be made in the code of conduct to ensure protection to the Speakers so that they may work impartially: as it is in the British Parliament where the Speaker is elected uncontested. Some provision should be made to ensure that the implementing agency is able to function fearlessly.

At the same time, I would like to emphasise as Hon'ble Speaker and Shri Chandrashekharji have stated in their speeches that the Judiciary, the Executive and the Legislature are the three organs which form the very basis of democracy in this country. Each one of them has its own limitations. When a member raises a question in the House on a matter which is pending in a court, the Presiding Officer gives his ruling that the matter is *sub-judice*, so it cannot be allowed to be taken up for discussion. We give so much respect to the Judiciary. But, on the contrary, the Judiciary does not reciprocate in the same manner. Should we not discuss this issue seriously? If a motion is moved in the House unanimously and the Privilege Committee issues summons to an Officer, he goes to court and gets a stay from the court. I want to know from you what happens to the prestige of the Legislature at that time. Should this Conference not convey a message to the Judiciary that it should not interfere with a matter which is pending with a legislative body? If an Officer is summoned by the Privilege Committee and court gives stay on it, then it should think whether its stay order would increase or decrease the rudeness of the

*Speaker, Jharkhand Legislative Assembly (Original Speech in Hindi)

Officer? Therefore, this is high time and we conveyed a clear message to the Judiciary that we do not intend to curtail its powers but there should be reciprocity. When we give them so much respect, they should also show respect to us.

I would give you an instance of the Bihar Legislative Assembly. A member was expelled from the House for his erratic behaviour and the expelled member went to court. Though the court did not give a stay in that case, there was an apprehension that it might give its judgment in his favour. When the Legislative Assembly realized this, it convened a special session for the sake of its prestige and the member was told that if he expressed regret for his misbehaviour his membership would be revived. Thus, in such a situation, the Legislative Assembly of Bihar re-inducted that member before judgment was given by the court.

That's why I would like to request you that a message should be sent from here that the judiciary should also help the Legislature in maintaining its dignity, then only the code of conduct can be implemented in letter and spirit, thereby creating a congenial atmosphere in the country.

SHRI PRAKASH PANT*

Today, we have gathered here to discuss the burning issue of how to maintain the discipline and decorum in Parliament and State Legislatures. Of course, it is not a matter of happiness that supreme institutions like Parliament and Legislatures are compelled to find out ways to maintain discipline and decorum.

Dharna, demonstration and slogan mongering have their own importance in democracy and these have been successful and effective instruments to express resentment, but there have been some unspecified rules regarding when and how these instruments are to be used. Similarly, in the democratic parliamentary system walkout and interruptions have always been an effective instrument to express resentment and distress. it is not that elected public representatives have not been agitated on matters of public interest in the past and they have not resorted to the path of walkout and interruption to express their views. Such ways were adopted earlier also, but within the limits of discipline and decorum.

However, we have past experience that with the concept of high ideals that were envisaged by our constitution framers, it was expected that Indian democratic structure based on democratic values will become mature with the passage of times, but it is not seen today and negative parliamentary values are reciprocally affecting because of decreasing political values in every field.

Sir, if we have to maintain high parliamentary values in Indian democracy which were envisaged at the time of establishing the parliamentary system, then we have to make timely retrospection of parliamentary democratic system. If we want to maintain the parliamentary decorum, then the system enunciated by the British Parliament appears to be appropriate for adoption in the context of our parliamentary working system. It is an established fact that undignified parliamentary decorum will ultimately damage the democratic system. I consider it necessary to mention some points as suggestion:

- The Committee System established in our parliamentary system needs to be made strong and effectively functional so that comprehensive participation of the members on various important issues may be ensured;
- Cutting across the party, lines political parties shall formulate code of conduct for their members;
- The trend of decline in the number of sittings of the house is not good because members do not find appropriate opportunities to express their feelings due to short-term sessions. It is reflected as acrimony in the form of walkout, uproar etc. It is therefore, necessary to fix a limit for minimum number of sittings of the Houses;
- It seems necessary to establish a continuous system of parliamentary orientation programmes based on parliamentary values for the members for the purpose of inculcating the sense of decorum, maturity and high ideals in the conduct of Members

*Speaker, Uttaranchal Legislative Assembly (Original Speech in Hindi)

in the context of the State Legislatures. It will help in developing feeling of respect and awareness in respect of rules to enable them to set up tradition of expressing views within the specified rules;

- In respect of the tendency to show opposition on the occasion of Governor's Address by the members in the Houses of State Legislatures, the question of how to maintain decorum and high ideals in the House on such occasions and as to who will ensure constitutional provision in case of misconduct committed by the members is unanswered till now, despite many recommendations made in this regard. In this regard it will be more practicable to delegate the discharging power to conduct the proceedings of the House to the Governor during his Address, keeping in view the dignity of his Office and the matter of misconduct committed on such occasion should be referred to the concerned Committee of the House. Necessary amendments in the Constitution should be made in this regard;
- It is absolutely imperative to increase the number of occasions available to the members for expressing views in the House and to ensure impartiality by the Presiding Officers and to maintain parliamentary decorum and high ideals in the House;
- This fact is also worth consideration that due to decreasing number of sittings of the Houses, the members of Legislative Assemblies do not find sufficient opportunities to put their views during important occasions such as Budget presentation. Indeed, it is my opinion that important proposals will get strength with the extensive deliberation. The constitution of Departmentally Related Committees in the State Legislatures will be more practicable so that fruitful discussion can be made on the basis of wide consent on the proposals before their presentation in the Houses.

Today, we are discussing to find ways and means of how to check interruptions, disturbances in the proceedings of the Parliament and the State Legislatures and frequent adjournments of the Houses. For this purpose a code of conduct to be abided by all should be evolved.

I believe that it is imperative to ponder over the causes of frequent disorder in the House. One of the main reasons is, that the number of sittings of our Houses is decreasing continuously. Every member wants to make his point in the House but there is paucity of time due to decreasing number of sittings of the Houses, which are convened for short durations. If all the Governments convene sessions of their respective Houses for longer period, all the members would get opportunities to submit their points and I am sure the incidents of disorders in the Houses would come down automatically.

Last year, the Speaker, Lok Sabha, Shri GMC Balayogiji had constituted a Committee of the Speakers for ensuring better management of the time of the House. I was also one of the members of the said Committee. The Committee called for suggestions from all the Assemblies. About seven or eight meetings of the said Committee were also held, and the report of the above Committee was presented to the All India Presiding Officers Conference held at Chandigarh this year. One of the recommendations of the Committee was, that the Houses with large membership and the Houses, whose membership is comparatively lesser must convene at least 100 and 60 sittings respectively in a year. In the All India Presiding Officers Conference held at Shimla in 1998, a resolution was unanimously adopted that there must be atleast 60 sittings of every Assembly in a year. But is it being practised? I had suggested that as there is a provision in our Constitution to the effect that there cannot be a gap of more than six months between the two sittings of the House, similarly a provision should also be made by amending the Constitution to the effect that it would be binding on the part of the Government to convene atleast 60 or 100 sittings of Assembly in a year. Only then this situation can be improved.

For convening the Houses for shorter duration the Governments advance the argument that they have no business to transact. I would like to know whether Parliament and Assemblies are meant to transact only the Government business? Is it not the responsibility of the Houses to make the Government accountable to them? Is it not the business of the Houses to find solutions to the difficulties and problems of the people? Is the private members' business not the business of the Houses? Only Friday is fixed for the private members' business. Only few hours are allotted for private members' Bills and Resolutions. If the Government do not have the business to transact, can two days not be fixed for the private members' business? There are a large number of Government undertakings and corporations in which public money amounting to worth thousands of crores of rupees is invested. Can't one day be allotted for discussion on each undertaking and corporation. Therefore, I would like to appeal that if you want that the proceedings of the Houses should be conducted smoothly, the sittings of the Houses should be convened for longer durations.

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*Speaker, Delhi Legislative Assembly.

The second point, I would like to make is, that it should be the endeavour of the Speaker to provide opportunity to all the members to speak. The Speaker should always keep the fact in mind that he is a refree or an umpire and not a player. The members of Treasury Benches and the Opposition are in fact players. He should not discriminate between the members of the Treasury Benches and the Opposition. At least, this has been my endeavour. If any member creates disorder in the House, the Speaker should discharge his duty irrespective of the party affiliation of the member. Only then he can command respect of all the members of the House. There had been several occasions when I had to order even the members of the Ruling Party to leave the House on creating disorder in the House or disobeying the Chair.

Therefore, I am of the view that if the sittings of the Houses are convened for longer durations and if the Presiding Officer conducts the House impartially like a refree or an umpire, the indiscipline in the House can be checked to a great extent.

SHRI PRITHIBI MAJHI*

In recent times, the matter regarding maintenance of decorum and discipline in the Parliament and State Legislatures has come under sharp public scrutiny and is being widely debated at different fora. There is a body of opinion, that of late, there has been a steady decline and degradation in the standard of democratic functionaries, both inside and outside the House. The proponents of this caustic view feel that some of those in public life have let the polity down and have been emphasizing the paramount need for greater discipline, decorum and probity in the conduct of the public figures who are involved in the law-making process.

Till the sixties or so, there was in time when the legislative institutions were studded with visionaries, achievers and trend setters who laid the foundation of the largest working democracy in the world, with a missionary outlook and actions which were all value-based. These high-profile parliamentarians and legislators took their legislative business with a sense of commitment and maintained a high degree of dignity and decorum in their conduct. They functioned as the epitome of dignity and self-restraint, who reacted to any public issue in a positive and decent way.

However, over the last five decades, the nation's polity and the society as a whole have undergone qualitative transformation both in structure and contour. The emerging multiplicity of political parties and pluralism in the socio-economic life, gave rise to complex situations, which have an invariable impact on the functioning of the legislative bodies in the country. It remains a fact that since the Parliament and the State Legislatures are very much living organs, they directly reflect the happenings of everyday life of a citizen. It has been persistently stressed that a cultured behaviour on the floor of the House is as important as it is in the outside-life and basically it is the essence of public life which determines the basis of the parliamentary democracy.

Nevertheless over the last half-a-century, our political system has shown a large measure of maturity as a responsive and receptive mechanism to the people at large.

In a developing country, the image of a legislator is nothing but that of a welfare officer, on whom the people repose absolute faith and confidence. Yet, there appears to be certain loose ends and patches of discord and disorderliness in the performance of our legislative operators, which tends to cast shadows on the supreme legislative bodies of the land.

It has been a very sad commentary on the part of our body polity that we have often been made to witness very unprecedented unruly scenes coupled with untoward incidents not only in some of the State Legislatures but also in our Parliament, disrupting the proceedings for days together, wasting precious time and squandering public money. These are bound to give a wrong signal to the people, who closely watch the proceedings all the while through print and electronic media flashes. It invariably gives an impression that the responsible members are unmindful of their duties and obligations towards the electorate, and behave in a way quite unbecoming of their status. At times, it so occurs that the Presiding Officers have to watch these

*Speaker, Assam Legislative Assembly.

happenings helplessly, which has a demeaning effect on their status and position as a custodian of the House. Which is why, the Conference of the Presiding Officers of Legislative Bodies in India, held in New Delhi in October, 1996, was constrained to observe through a resolution that... "Conduct of the legislators inside and outside the House has come to be considered as a matter of very serious concern... This has very grave implications for the dignity of the Legislatures and the future of the democracy". As a result of this realization, a number of Committees on Ethics, Privileges, etc. were constituted to oversee the moral and ethical conduct of the members. At different times, these committees advanced various recommendations which need to be assessed and implemented with all seriousness and urgency. What is important is that all these recommendations be compiled in a comprehensive manner and applied uniformly to cover all the legislative bodies throughout the country so that these could function under the same parameters.

Before trying out lasting ways and means to restrain the tendency of mal-behaviour in and outside the House, there is every need to analyse the genesis of the malady. The political scientists say that democratic and constitutional process are heavily dependent on the extent to which model values and end results are debated both in public platform and on the floor of the House. Parliament and Legislatures, being a debating forum, a certain amount of heat, noise and tumult on the floor is bound to occur. Members bring the hopes, aspirations, frustrations and even the causes of deprivation of the people to the House, to give vent to their feelings, and to voice popular grievances is not only their right but also a bounden duty. But due to the expansion of the electoral base, the size of the Assemblies have also increased. As a result, the Presiding Officer finds it extremely difficult to allot more time to member participants. In fact, many of them do not even get a chance to deliberate on the issues presented in the House. Secondly, since the period of Assembly sessions are generally shorter than expected the scope for taking up issues has become scanty. These have very demoralising effect on the mindset of most of the legislators which indirectly tells upon their performance and obviously they feel agitated and try to speak all together at a time, resulting in great pandemonium and interruptions quite often. It has been suggested that there should be least 110 days of sittings of Parliament and 90 and 50 days of sittings of the Legislatures for the big and small States, respectively every year to cope with the increased load of legislative business.

An important feature of the present day body polity is that there has been a large degree of proliferation in political parties, representing distinct ideological, regional, linguistic and religious groups. As a result, different perceptions find their echo on the floor of the House. This, in turn, on many occasions, creates unruly scenes, causes adjournments and rushing to the Well of the House, shouting of slogans, walk-outs etc. These have become the rule of the day. In this context, the role of the Whips and the Leaders of the political parties have become more crucial and compelling in marshalling the members belonging to their folds.

Side by side, it has also become necessary to improve the quality of members to ensure dignified and decorous performance of the members. Therefore, it has become imperative to impart political education, particularly to new breed of legislators to acquaint them with the subtleties and nuances of parliamentary democracy. So far as the procedural training is concerned, the role of the Bureau of Parliamentary Studies and Training of the Lok Sabha Secretariat is note worthy. The Bureau organises Orientation Programmes in Parliamentary Practices and Procedures for new legislators.

In this respect, one silver lining is that a unique institution, under the aegis of eight North Eastern State Assemblies which is styled as "North Eastern Regional Institute of Parliamentary Studies, Training and Research, is coming up at Guwahati. The idea behind this prestigious project is to promote healthy growth of parliamentary democracy in North East in particular and the rest of the country in general. As visualised, this Institute is planning to organise regular training in parliamentary practices aided by a computerised data bank. Facilities for well-equipped library, scope for research and studies will also be made available to the legislators, students

and faculties. It is hoped this Institute, when comes up in full frame, would be able to cater to the needs of the legislators from other parts of the country also. I may urge all of you to come forward to help the on-going Institution in all possible ways so as to enable it to serve the purpose for which it is meant.

It is again heartening to note that way back in 1992, the All India Conference of Presiding Officers, Leaders of political parties and Whips deliberated on the topic of "Discipline and Decorum in the Parliament and the State Legislatures" exhaustively and put on record the need for more meaningful, effective and orderly functioning of the Houses of Parliament and State Legislatures and eventually evolved "Code of Conduct for Legislatures" to be followed inside and outside the House. It is of course a very valuable document, which merits serious consideration by all the political parties for their guidance and adoption to maintain the health of the Legislatures.

Though at present, in almost all the State Legislatures and Parliament there is "Rules of Procedure and Conduct of Business" for transacting the business of the House in a fair and healthy manner, which also lays down the way in which the members should function, it sometimes falls short to cope with the developing situations in the House. It is, therefore, felt that the Presiding Officers be armed with more authority to curb unparliamentary behaviour with iron hands in the interest of ensuring smooth conduct of the proceedings. It seems that the Presiding Officers are required to take very stern steps to preserve the high dignity and honour of the House. In this task, the main onus falls on the political parties, who are supposed to have a better control over their party members, and that has to be made mandatory through suitable mechanism and disposition.

It is high time that all the aberrations in the functioning of our Parliament and the State Legislatures are seriously addressed to and appropriate steps evolved to remove these short-comings with all sincerity in the interest of healthy democratic culture in our country.

SHRI RASHID ALVI*

It is a fact that the image of politicians in our country has dropped to a level as low as never before. Therefore, the respect for the politicians has been declining day-by-day. One reason for this is that the conduct of members in the Legislatures has not been proper. I agree that the MLAs and MPs should behave in a dignified way in the legislatures but we will have to find the root cause of this ailment. It will not be sufficient to make a speech. Why are MPs and MLAs compelled to rush to the Well of the House and make noise or create pandemonium? We will have to look into it.

I suggest that the leaders of the Opposition and the Ruling Party should take a decision prior to the election as to who should be elected to the Office of the Speaker and there should be unanimous decision in this respect that the particular member would hold the office of the Speaker for five years. If you sincerely wish to maintain the decorum and ensure the proper behaviour of the members of Parliament, a decision should be taken prior to the election of the Speaker and the Speaker should be elected unopposed and then you will notice a sea change in the Parliament.

So far as the MPs of political parties are concerned, I would like to say that there should be decorum (code of conduct) with regard to the Leaders of political parties as well. I would like to state earnestly that if my leader asks me to behave in a particular manner in the Lok Sabha, I would behave in the same manner. If my leader asks me to rush to the well of the Lok Sabha, I shall certainly do so. An MP of any political party would not dare defy his Leader and if he dares to do so, he would not get the ticket and thus would not be able to get elected to the House for the next term. Hence, there should be a decision regarding the decorum for the Leaders of the political parties. The MPs and MLAs behave in the same manner as instructed by their Leaders. I have this habit of being very candid and hence I am speaking quite categorically. There can be no decorum unless you formulate a legislation in this respect.

Besides, I would also like to state that the number of sittings of Lok Sabha should be increased. The proposed number of 120 sittings in the draft should be increased to 150 at least. Shri Shivraj Patil had told me once that the Parliament functions throughout the year in Germany. The members discuss the issues of their choice. I visited Mauritius. The Parliament of Mauritius continues discussion on one topic for three to four days at a stretch. However, this is the misfortune of our country that the entire budget is passed without discussion. What could be more unfortunate than this that such an important item as budget is passed without discussion. Hence, I request that the number of sittings should be increased.

A number of important issues are raised during the Zero Hour, but the Government does not pay attention. One finds a brief mention in the evening bulletin telecast by Doordarshan, but the Government does not respond to any issue taken up during Zero Hour. In response to any issue taken up during Zero Hour, the Minister of Parliamentary Affairs says that the matter will be communicated to the Government and the concerned Minister. No other response is given in

*Member of Parliament, Lok Sabha (Original Speech in Hindi).

respect of that matter apart from the one mentioned above. Zero Hour will have to be made more effective. The Government should be bound to give a proper reply to any issue taken up by an MP during Zero Hour. Besides, I would also like to state that such rules should be drawn up for the Presiding Officers as well, that they should give a chance to such members who submit notices for Zero Hour.

I have noticed during last two years in respect of the notices submitted in the Lok Sabha that while members are given a chance, there are many such members as well who are not given an opportunity to speak and those who are not given a chance feel compelled to create a scene. Hence, we should find a way out. All the parties should sit together and decide as to how the Zero Hour should be conducted.

In the end, I would like to wind up after making a point that there is no quorum in the House after 3 p.m. There are never more than 25-30 MPs in the House in the afternoon session. When we object to it, Shri Pramod Mahajan silences us by saying that this is not a very important matter, hence we should allow the House to proceed with it and that we should not raise any objection. So, we resume our seats silently. This is not good. I suggest that it should be compulsory for the MPs to remain present in Lok Sabha or Rajya Sabha from morning till evening. They are elected to the Parliament for this purpose.

DR. S. DHANANJOY*

The subject of discipine and decorum in the Parliament and the State Legislatures remained something of concern to our MPs, MLAs and to a certain extent to the people in the media only. In other words, the subject remained confined to the four walls of our Parliament's Chamber or for that matter the Assembly Halls. But the subject is becoming a matter of growing concern even to the general public, in view of the recent happenings in the Indian Parliament and some State Assemblies. This is not to say that our general public has become suddenly interested in this subject by choice. Rather, they have been made to do so in view of the high cost involved in the sittings of the Indian Parliament and the State Assemblies. It has even been said that it costs the national exchequer a staggering sum each hour the Parliament meets, and many times the proceedings of the House were stalled because of frequent rushing in of our MPs to the Well of the House and shouting of slogans, etc. So, finding a way out to solve this problem must be the topmost priority for this Conference.

The Presiding Officer has an important role to play in maintaining discipline and decorum in the House. It is his responsibility to maintain order in the House. But it is very important that while presiding over the House, the Presiding Officer should not only be fair-minded in treating the members of both the Ruling and the Opposition Benches but it should also appear to be so. Only then, members belonging to the Opposition will do away with the prejudice they have against the Presiding Officer. This will contribute in the smooth functioning of the Legislature.

Newly elected members should be given proper orientation and training regarding the different aspects of parliamentary procedure, etiquette, etc. This will not only help in the smooth and proper functioning of the House but also in maintaining discipline and decorum in the House. Senior leader of a political party or party Whip can also play a vital role for the smooth and efficient functioning of the House.

Frequent adjournments of the House in Session is detrimental to the nation. However, this fact is also not without any acknowledgment by members of the State Legislatures for the last many years. Until this day despite repeated suggestions put forward as to remedy it, unruly scenes still mar the proceedings of Houses whether it be in Parliament or in the State Assemblies.

Though this trend of disturbance and violence surfaced not only in the recent past, it is of utmost concern in the present day when the responsibility for rapid development and progress of the society has been entrusted to the elected members by the electorate. This is a responsibility when not carried out by the Legislature would have adverse impact upon the society.

As has been suggested, there is a need to codify the code of conduct for members of the Legislatures.

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*Speaker, Manipur Legislative Assembly.

SHRI SARAT KUMAR KAR*

The horoscope of our parliamentary democracy written by the founding fathers of our Constitution is resulting in more 'horror' than 'scope'. It is said that democracy without education is hypocrisy without limitation. We, therefore, need to educate ourseles. We are the lawmakers. We have to evovle a code of conduct as every member is competing in an unhealthy competition to be the hero of the 'Zero Hour' in the House. Some of us are also making the Parliament or Assembly an Opera House while rushing into the Well of the House.

We know the symptoms of the problem. Therefore, prevention is better than cure. Since I am in the Drafting Committee, I may say that we have finalised a Resolution which is to be adopted here, and I do not want to go into the details. But I will make only two points and conclude my speech. All these problems are inter-related. For example, if the Speaker, while he is presiding over the House, is not impartial or he is looked upon as if he is a party man, I think, his impartiality is in question. So, we should find out a means. It is not like 'the Speaker is always a Speaker'. But at least, once he is elected as a Speaker, he should be at least assured of the next election so that he will be impartial.

There should be restrictions both on the Opposition and the Treasury Benches. But we are having double standards. I hope that we do not behave in that fashion. At least, the ruling of the Speaker should not be challenged. But we know that in most of the Houses, even the Ruling Party and the Government also do not pay respect to the ruling of the Speaker. All these things have to be considered.

In general, today there is the question of discipline and decorum. It is a starting point. There are many points. Today's resolution or the Draft Resolution is not exhaustive. But if we are not disciplined, if we do not maintain the decorum, then we have no right to believe in parliamentary democracy. Therefore, it is like a temple of democracy and here we must behave ourselves the way we do before God.

*Speaker, Orissa Legislative Assembly.

CHOUDHARY BHAJAN LAL*

I have been asked to complete my speech within two minutes only. I would like to raise three points in the allotted time. One of the points as highlighted by all the members present here is that the decorum and discipline should be maintained in the House at all costs as these are very essential ingredients of its dignity. There is hardly any need to repeat this. The motion also speaks of making it mandatory on the part of the Assemblies of larger States to convene at least 100 sittings per annum and in the case of Assemblies of smaller States 60 sittings must be held. This provision should be implemented in particular. Some of our colleagues speak differently when they are in the Opposition and when they run the Government, they speak totally a different language. It is, therefore, necessary to frame this rule for balancing both the situations.

Secondly, the Speaker should be independent and no one should contest elections against the Speaker and he should be elected unanimously so that he may take decisions independently. Hence, a provision should be made that no one contests the elections against the Speaker.

Training should be imparted to the new members in parliamentary practices and procedures. As it is an uphill task to conduct the proceedings of the House, a new incumbent to the Office of the Speaker should also undergo training.

There has been a decline in the political values we uphold. Discussion should be held on this issue as also on how to set it right.

*Leader, Indian National Congress, Haryana Legislative Assembly (Original Speech in Hindi).

SHRIMATI KIRAN CHOUDHRY*

Today many points have been discussed here and I would not like to repeat them. Nevertheless, there is one thing that I would like to put on record. What I have seen during my tenure as a Presiding Officer is that on many occasions members get up and hurl accusations at the Ministers or the Chief Minister or whoever comes in front of them. I would like to put this on record that there should be a rule made in this regard, so that at least the member against whom these allegations are levelled should have a chance to reply back to them.

Madam Chairperson, you had spoken about women not being represented adequately and the need for 33 per cent reservation in Parliament and State Legislatures. It is unfortunate that we constitute 50 per cent of the population in India, and yet we are represented in a very minuscule. We talk about empowerment; we talk about bringing women in. It has become a fashion today. There are big workshops; everything else is discussed. It is said that women must come in; this must be done for women; that must be done for women, etc. Unfortunately, when the ground reality comes in front, nothing really is discussed.

Our Minister of Parliamentary Affairs, Shri Pramod Mahajan spoke about the problem of lack of quorum. I would like to assure all the members that if you bring in more women members into the House, at least this problem will not be there. You will bring in more glamour and I am sure there will be more conducive atmosphere. Apart from that, women bring in more sobriety. They are more dedicated. They are more honest and they are more sincere to the work that they do. So, I am sure that the problem of quorum will not come forth because women, when they are given a task, always like to do it honestly and sincerely.

Everybody here has discussed the problem of the time when the Governor or the President gave his Address and the kind of unruly scenes that have come forward. I would like to say that it is imperative that whenever such a solemn occasion is violated, punitive measures must be taken. I welcome the code of conduct which we are going to pass today. At the same time, I agree wholeheartedly with the Speaker of Jharkhand when he said that more teeth should be given to the Ethics Committee or the Privileges Committee, as the case may be. Otherwise, I am afraid this code of conduct which we are about to pass today will only remain on paper and nothing really is going to happen about it.

When all the other legislations can be passed without consensus, I wonder why this 33 per cent reservation for women cannot be brought forward. It is because we do not have the political will to do it. If we want our nation to go ahead on the path of growth and development, it is imperative that more women members be brought into the mainstream.

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*Deputy Speaker, Delhi Legisaltive Assembly.

If the relation between the Executive and the Parliament or the State Legislatures is harmonious, there would not be any disruption in the proceedings of the House.

The members of Parliament or the members of State Legislatures reflect the feelings, aspirations and frustrations of the masses inside Legislatures. Sometimes, they have to be calm amidst turbulance. But if the Government is not coming forward to the rescue of the masses or the rescue of even the Chair to control the situation, then there is indiscipline. So, I would urge at this juncture that the Central Government and the State Governments should coordinate with the Speakers. The relationship between the Executive and the Speaker—the Chief Ministers and the Speakers or the Prime Minister and the Speaker—coexists; and the Speaker can function independently.

I would say that the Speaker should be independent to protect the dignity of the Parliament or the Legislatures. The power of the House is the power of the Speaker. During my term as Speaker, I did not respond to the summons of the Supreme Court and I did not respond to the summons of the High Courts. We uphold the dignity and the honour of the House.

Sometimes, the Executive is weak; and that is why, the Judiciary comes in. Judiciary, though not participating in Business Advisory Committee, are passing orders about starvation deaths. They are issuing notices to State Governments. Recently, they have issued notices to the Delhi Government regarding the affair of CNG vehicles. They are interfering with the administration because the Executive has failed the people. The Executive has the responsibility towards people and the Parliament.

Maintaining the dignity and decorum of the House is the collective responsibility of the Parliament or the State Legislatures. So, everyone should maintain decorum in a coordinated manner to get over this situation.

*Member of Parliament, Lok Sabha.

If the members of all political parties present here, including the Chief Ministers, the Speakers and Leaders of the Opposition, resolve that the House shall not be adjourned and the money of this country shall not be wasted, then I think one of the problems of this country can be solved. The second thing I would like to suggest to the Presiding Officers is that we should take one more decision, that the speech of a particular member whose name is called by the Presiding Officer should only go on record and words uttered by others should not go on record. By adopting this measure, 50 per cent of the problem may be solved. The persons who create commotion without their names being called, are responsible for disruptions. The third point I would like to mention here is that there should be at least minimum of 110 days of sittings of Parliament and 90 and 50 days of sittings of the Legislatures for the big and small States respectively. It should be implemented.

We would have to decide upon one more thing. If we want that the sovereignty of the Parliament and the Legislative Assemblies is maintained, we should ensure that the Judiciary does not dominate over these supreme bodies. In order to safeguard from unnecessary judicial intervention or activism, we shall have to develop good conduct and behaviour. In case we quarrel over our issues and take these issues to the court, then only the Judiciary will dominate. Therefore, it is my request that, as we take bitter medicine to cure ourselves, in the same manner we shall have to take decisions about strictly instructing the members of our respective parties, who are the members of Parliament and Legislative Assemblies, that they should not speak unless their name is called, they should not rush to the well of the House and should not create a situation leading to the adjournment of the House. I wanted to give you only these suggestions.

*Member, Rajasthan Legislative Assembly (Original Speech in Hindi).

SHRI DEVENDRA PRASAD YADAV*

This issue has been discussed at length and I have been given two minutes' time to make my submission. I would like to make only two points in this regard. All the respected leaders, Ministers, Chief Ministers, Leaders of Opposition and Chief Whips are present here. We can do what is within our capacity, we have to discuss the reasons for stalemate? I think for this we must pay attention towards three points. First point that deserves our attention is the time. The time is from 11 O'Clock to 1 O'Clock and the Minister of Parliamentary Affairs has very appropriately pointed out that after 1 O'Clock the problem of quorum arises. We have discussed the issues of discipline and decorum but how should one discharge one's parliamentary duties and abide by the code of conduct? The debate that is taking place should be limited to the time between 11 O'Clock and 1 O'Clock in the House. After that, the problem of quorum arises and there is no question of stalemate. After 1 O'Clock, the number of members in the House is not sufficient to cause a stalemate. Hence, how can we regulate the two hours' time spanning over the Question Hour and the Zero Hour and how should the hon'ble members remain disciplined and dignified in their behaviour is the moot point, and there is a need to enforce a strict code of conduct in this respect.

There is no quorum in the House during the remaining time. Therefore, we will have to enforce a code of conduct in respect of quorum as well. The lack of quorum is adversely affecting the entire country. The common man is losing his faith in the elected representatives. The reason behind this is that Parliament is a forum to air the issues concerning the poor and common man but these are not taken up because hon'ble members do not remain present in the House. Hence, having a quorum is very important.

I would not like to mention any name. A prominent leader has stated that only 1 to 2 per cent people are corrupt. The basic issue of food, clothing, water and irrigation are not taken up for discussion in the House. Allegations and counter-allegations are levelled in the House on the issue of corruption which creates a stalemate. Humbly, I would like to share my experience in the Parliament. I have been elected to the Lok Sabha four times. I have served as a Minister. I was a member of Legislative Assembly in 1977 and have been a member of Legislative Council twice. Even after 54 years of Independence, only two per cent people have access to all facilities and the conditions in our country have deteriorated because of these two per cent people. After so many years of Independence, 98 per cent people are still deprived of the benefits of Independence. Discussions should be held in the House on the basic needs. I am of the opinion that corruption should not be allowed to thrive in the country. The House should take an initiative in this respect.

*Member of Parliament, Lok Sabha (Original Speech in Hindi).

SHRI ARUN GUJARATHI* $

The Oxford English dictionary defines ethics as the "science of morals or moral principles". Ethics is also concerned with the moral principles that determine what is right or wrong conduct. Presently, there is no definite code of conduct for members of Parliament and State Legislatures in India but this issue has been generating debate for quite a long time and perhaps the Rajya Sabha was the first legislative body to make definite headway in this direction. In its second report, the Ethics Committee of Rajya Sabha has recommended that if the Committee finds that a member had indulged in an unethical or other misconduct and had contravened the code/rules as recommended by the Ethics Committee, it may recommend to the House to censure/reprimand/suspend the member from the House for a specific period and any other penalty considered appropriate by it. The report has been adopted by the Rajya Sabha.

If we look at other countries, especially the Commonwealth countries, one would observe that the United Kingdom, Australia, Ghana, Kenya, Pakistan, New Zealand and Singapore have formulated Committees on the lines of Ethics Committees to deal with the cases relating to the breach of privilege of the House as well as members. The United Kingdom has particularly gone much ahead in as much as the Committee on 'Standards in Public Life' under the Chairmanship of Lord Nolan had presented its report way back in 1995. The Report examined many issues, including codes of conduct and registers of annual remuneration, and set out principles for the observation and enforcement of high standards of public office. Now, the United Kingdom has got an independent officer called Parliamentary Commissioner for Standards and he is charged with among other things, giving advice to members about questions of propriety and conduct, including the interpretation of the code of conduct and maintaining the Register of Members' Interests, and if found fit, investigating complaints about the propriety of a member's conduct.

Coming back to the subject matter the perceptible lack of morality in the conduct of some people in public life has brought the whole concept of politics to disrepute. The Vohra Committee had explored the nexus between politicians and criminals in its report presented to the Lok Sabha in August, 1995. Lately, Section 8 of the Representation of the People Act, 1951 has also been amended specifying disqualification from membership on grounds of conviction for offences. The Election Commission of India has also stipulated that those who are convicted for certain offenses can be debarred from elections.

In fact, the first report of the Ethics Committee Rajya Sabha has touched upon important issues such as the need for amending the Representation of People Act and the need for having open ballot for elections in respect of Rajya Sabha and Legislative Councils instead of secret ballot as is done presently. The Committee has also come to the conclusion that while fixing the ceiling on election expenses for various constituencies, ground realities should be taken into consideration.

I have also had an opportunity to glance through the report given by the Ethics Committee of the Andhra Pradesh Legislative Assembly. Through the report submitted to the Andhra Pradesh

*Speaker, Maharashtra Legislative Assembly.

House, they have formulated rules of conduct of members not only for their behaviour in the House but even for their conduct outside the House. The Ethics Committee of Orissa has also recommended norms of conduct for its members in the House and a code of conduct for them while on study tours and general rules of etiquette. Goa and Himachal Pradesh Legislatures are also reportedly considering a code of conduct for their members.

I would like to make the following suggestions for consideration:

- All political parties should immediately decide to evolve a code of conduct for themselves.
- As regards penalties to be imposed on the person found guilty of the charge of unethical behaviour or misconduct, I would suggest that as is done by the Privileges Committee, penalties may be imposed considering the gravity of the offence. I would like to appeal to my colleagues who are present here and who will be observing the code of conduct to be formulated in due course, that we ourselves should introspect and set up such a behavioural pattern that there should not be any occasion to impose such type of penalty on members as they are the representatives of lakhs of people.
- If we come across a hard core case, then the matter can be unanimously referred by the Speaker or Chairman as the case may be, after taking into consideration the feelings of the House, and the Committee constituted by the House can go into the question.
- As regards cases reported in newspapers about alleged misconduct of members of the House, I fee that there should be a formal complaint supported by relevant papers and only then the Committee should go into the question, investigate and report. Mere news item will not suffice.
- In privilege jurisdiction, the House is regarded as its own Court and that is why all the proceedings before the Privileges Committee are *quasi-judicial*. I feel that if the ordinary courts can punish a citizen for alleged contempt of court, power should be given to the House to punish erring persons who give frivolous complaints against the members. This will have a salutary effect on minimizing unwarranted and frivolous complaints against the members.
- So far as the declaration of assets is concerned, I am of the opinion that the members should declare their assets immediately on assuming the seat in the House and at the time of relinquishing the seat. Whatever declaration about the assets submitted should be kept with the Committee and if the Committee receives proper complaint, then it can go into the question after following the due process of law and make available to the public, if according to the Committee, it would serve any purpose in furnishing the information.
- As regards disqualification of members contained in the Representation of People Act, 1951, I am of the firm view that the Committee should go in to the matter only after conviction by the court as otherwise it would lead to unnecessary litigation.

SHRI CHHAGAN BHUJBAL* $

The Parliament and State Legislatures enjoy a place of primacy and pre-eminence in the governance of a country under the democratic set-up. Our country has a proud record of having assiduously nurtured the institutions of democracy over the last five decades of Independence. One of the main achievements of the post-Independence era of our country is the success of our Parliament and democratic system and the strengthening of our faith in its efficacy to serve our interests in the best possible manner.

The growing incidents of indiscipline, disorder and indecorous behaviour by the members on the floor of the House are matters of growing concern. In spite of in-built devices in the Rules of Procedure and above all the powers and authority vested in the Presiding officers, they find it increasingly difficult to control growing disorderly scenes inside the Chambers and to maintain discipline and decorum in the House. Members also try to raise issues in the garb of point of order or by way of clarifications from the Ministers on statements made by them or ask the Chair to direct the Ministers every now and then to make statements on issues which they feel are urgent. Sometimes, wild allegations are made by members against Ministers without notice and the Government is put in embarrassing situations. Adequate time is not given to the Government to defend itself which is obviously against the time-tested principle of natural justice. That also gives rise to unrest in the House.

Today, our parliamentary system has been put on a great test owing to many challenges, particularly violence, terrorism, divisive trends etc. Therefore, parliamentarians and legislators will have to behave themselves in such a way as to instill the faith of the people in these institutions. Unless the Lok Sabha, Rajya Sabha and the Legislative Assemblies function properly without disorder and disturbances and maintain decorum and discipline, the faith in democracy will be eroded. It is the need of the hour to ensure that faith is reposed by the common people in these institutions. So, these democratic institutions must function in a proper and orderly manner.

With a view to achieving above objectives, there is a strong need to evolve some procedure, rather a code of conduct for the parliamentarians and legislators. Unless such a code of conduct is evolved and its application and observance made mandatory, the present position, in the Parliament and Legislatures will not improve. Discipline and decorum are imperative for the orderly conduct of the House. Punitive actions will have to be taken sometimes as a last resort and I personally feel that Presiding Officers may be given necessary powers and they should use such powers as per rules. It is my humble suggestion that to enhance the dignity and status of these democratic institutions, discipline and decorum in the House must be maintained and indiscipline, interruptions, undue disturbance, raising slogans, showing of placards, etc., should be prohibited. In case procedural devices are found inadequate, a new procedure could be evolved, if necessary, by amending existing rules also For this purpose, some sort of code of conduct must be evolved and be included in the rules. The observance of such a code of conduct must be made mandatory by the members.

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*Deputy Chief Minister, Maharashtra.

I am given to understand that the Lok Sabha Speaker has evolved a new procedure wherein it is provided that if any member enters the Well of the House, he will be suspended for certain period and he will be deprived of all facilities provided to him. This procedure is really a welcome one. Due thought may be given to evolve such type of procedure in all Legislatures, which I feel, will definitely prove helpful. I would also like to suggest that members may be impressed upon to keep in mind the importance of these august institutions. Proper training may be given to the members stressing the importance of the functioning of these institutions. Members should be made to bear in mind that the Houses must function which will ultimately be helpful in ensuring the dignity, and decorum of parliamentary institutions.

SHRI ROHIDAS PATIL*

It is indeed very sad and unfortunate that a situation has arisen where we are required to seriously address ourselves to the problem of rising incidents of indiscipline and misbehaviour on the part of our Parliamentarians and legislators, requiring us to evolve a code of conduct for ourselves. However, we cannot any more afford to adopt an attitude that if, I do not look at it, it will go away. The sure indications are that if we do not nip this in the bud, we might have to face it in greater magnitude and force. Therefore, it is the need of the hour that we evolve a code of conduct for ourselves to contain this problem of indiscipline and unruly behaviour of our parliamentarians and legislators. I believe that the Legislatures of the States of Andhra Pradesh, Orissa, Goa and Himachal Pradesh have already initiated some steps for evolving a code of conduct for their members to ensure observance of discipline and decorum by its members. Even in my State, we are giving our considered thought to constitute an Ethics Committee to evolve a comprehensive code of conduct for our legislators. We would like to draw upon the report of the Committee set up by the United Kingdom on the Standards in Public Life under the Chairmanship of Lord Nolan, which examined many issues, including code of conduct for parliamentarians. We would also like to benefit from the experience and knowledge gained by the Committee of Privileges of the Eleventh Lok Sabha appointed under the Chairmanship of Dr. Mallikarjun. Its Study Group under the convenorship of Shri P. Upendra had, I believe, made in-depth study of this problem and also visited some other countries to gain from their experience and study, to arrest this undesirable trend among the parliamentarians and legislators which, of late seems to be reaching alarming heights.

We are also awaiting the report of the Lok Sabha Ethics Committee constituted in May 2000 under the Chairmanship of Hon'ble Shri Chandra Shekharji. Once it is tabled, I am sure that it would make the task of all the States to ensure observance of discipline and decorum by their legislators much easier. All the State Legislatures would be able to adopt it for the guidance of and observance by their legislators.

I may add here that, although, the code of conduct could provide us the necessary guidance and a better understanding of our duties as parliamentarians and legislators, I feel that it is our pious duty towards the nation and citizens of India, as elected representatives, to exercise self-discipline, however deeply and sentimentally we may be involved in any mattar or issue and, we must set an example for our electors and citizens at large. It is time for us to do some introspection and take a pledge that we would, under no circumstances, demonstrate any feelings or actions which undermine the dignity and decorum of our Parliament or our State Legislatures and show us in bad light to our fellow country men and other countries in the world.

*Minister of Parliamentary Affairs, Maharashtra.

SHRI HARI SINGH MAHUA*[$]

The indecent and undignified behaviour of the members in the Houses is a cause for serious concern for all those people who repose faith in parliamentary democracy. The people put the legislators and members of Parliament in the category of distinguished personalities by way of casting their valuable votes in their favour and, therefore, it is but natural to expect that the legislators would observe a high standard of conduct not only within the House, but also outside in their personal life. The public representatives should act and behave in a manner that enhances the dignity of the House as well as that of the people at large.

As a public representative the legislator has not only to participate in the Committee meetings and legislative business but has also to take care of his constituency, his state and the entire nation ensuring the welfare of all. At times, such political issues come up in the House on which the elected representatives have ideological differences. In such situations, the members have to raise those issues very carefully and confidently and should endeavour to find solutions with the involvement of the government. It is not necessary that every legislator has the knowledge of every field but he must have adequate knowledge of his duties so that he may be able to perform them inside and outside the House.

The disorderly scenes which are witnessed in the Parliament and the State Legislatures are a cause of concern. The close study of the day to day proceedings of the Houses reveals that a major part of the time of the session is marred by disorderly scenes. When the Parliament and the State Legislatures are in session, one can find such headlines appearing in the newspapers which put a question mark on the effectiveness of the Houses. This shows that people in general are gradually losing faith in the Legislatures.

Governor's Office is august and supreme in the State and it is his constitutional duty to read out the policy paper of the Government in the House in the form of his Address. On several occasions in various State Legislatures such indecent incidents have taken place during Governor's Address which have caused damage to the glorious traditions of the House. In the very presence of the Governor, members behave in the Houses in such a manner which is quite contrary to the democratic values.

Creation of unruly scenes during the Governor's Addresses in almost all the State Legislatures has now become a common feature. This issue has been discussed several times in the Conferences of Presiding Officers and all have agreed that the members should conduct themselves in a dignified manner particularly on solemn occasions like Governor's Address. But recurrence of such incidents remind us that such proposals are adopted only in principle and they are forgotten when it comes to action. For making improvement in this direction, it would be practicable that political parties are assigned the responsibility of taking appropriate steps to keep their members disciplined. The compliance of the rules and conventions of parliamentary decorum can be ensured only if the political parties remain constantly alert and awakened.

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*Government Chief Whip, Rajasthan Legislative Assembly (Original Paper in Hindi).

Non-observance of discipline by members leads to disorder. Although there is a rule that members should seek permission of the Chair before speaking in the House, yet it has been noticed that many members start speaking at the same time without seeking prior permission of the Chair. In such circumstances, the work of of the Speaker becomes difficult and he has to take a decision so as to ensure smooth conduct of the business of the House. In fact, the powers vested in the Chair and the House in this regard as contained in the Rules of Procedure and Conduct of Business in the House are appropriate. There is a need to use these powers impartially and effectively.

It has been seen that now-a-days the number of sittings of Legislatures is continuously declining. As a result, the members do not get adequate time and thus, unruly scenes are witnessed in the House. To avoid such situations, meetings of the Legislatures should be called at short intervals and the minimum number of sittings in a year should be fixed at about 60 to 70 in case of big States. Now it has also become necessary to amend article 174 (1) of the Constitution to ensure three sessions of Legislatures in a year.

Today, the parliamentarians are increasingly getting intolerant in conducting themselves in the Parliament. As a result, their behaviour is crossing all limits of democratic norms of decency and decorum. The members should follow a basic principle of self-discipline so as to maintain dignity of the Legislative Bodies. All people's representatives should realize that they have to make optimum use of the time in the House in discharging the responsibility assigned to them by the people so as to ensure smooth conduct of proceedings in the House. The members should rise above their petty interests to bring about decency and decorum in their behaviour and through training and hardwork they shall have to set such standards which could enhance the glory of our parliamentary democracy.

The instances of rushing to the Well of the House and shouting slogans and disrupting the proceedings of the House by the members of the Parliament and the State Legislatures have also increased considerably. This creates an uncongenial atmosphere in the House, which leaves no option with the Chair but to adjourn the House.

If the Hon'ble members and the leaders of the political parties are serious enough and determined to deal with such situations, there is no reason that the august Houses cannot regain their lost glory. There should be live telecast of the proceedings of the Parliament and the State Legislatures to enable the public to see and review the conduct of their representatives in the Parliament and the State Legislatures.

It is the collective responsibility of all the members to maintain discipline and decorum in the House. For this purpose, it is imperative to ensure participation of all the members in the proceedings of the House. Proper arrangements should be made to impart training to the newly elected members. In these orientation programmes, the learned and experienced parliamentarians, on the basis of their practical experience, should educate the newly elected members about their responsibilities, duties and conduct as people's representatives.

In the Conference of Presiding Officers in September 1992 at New Delhi on this subject, suggestions had been given for evolving a code of conduct for members and to constitute an Ethics Committee. Only such a code of conduct can be effective which has the provision of punishment for the members for their unruly behaviour and misconduct. It is hoped that some positive decisions would be taken after deliberations by the learned people in this Conference to ensure that dignity and decorum in the Houses are maintained and the implementation of decisions will ensure smooth conduct of the proceedings in the Houses.

SHRI RAM KARAN PAL* $

Maintaining discipline and decorum of the House in the Parliamentary system has been a daunting task and the same has been given serious thought all the while. Several recommendations have also been made to face this challenge. Even today, this continues to be a burning issue and with the passage of time, this problem is assuming serious proportions. The unruly scenes witnessed in Uttar Pradesh Vidhan Sabha have given an opportunity to the critics of parliamentary system to raise a question mark on its relevance and significance. Stalemate in Parliament over various issues is also a serious matter. The House reflects people's aspirations. When the Government turns insensitive and irresponsive to addressing people's problems, the members of the Opposition and at times those belonging to the Ruling Party naturally feel agitated.

In the evolutionary process of parliamentary system, Parliaments of the world have witnessed the unruly scenes, heated exchanges, deadlocks, etc. The British Parliament—the mother of all Parliaments has been a witness to the most gory scenes in the history. The dead body of Cromwell was exhumed from the graveyard and hanged. There has been a long struggle between Parliament and Emperor for dominance in England. Ultimately, it has been recognised and established that Parliament is supreme.

In India, the Parliament and the State Legislatures function under a written Constitution. However, the privileges of the Parliament as also of the State Legislatures have not yet been codified. It is also difficult to evolve a code of conduct for ensuring smooth conduct of proceedings in Parliament. In normal circumstances, there are rules for conduct of business in Parliament but the provisions laid down for unusual circumstances are, at times, not adequate. The Calling Attention Motion, Zero Hour Submissions, Special Mentions have been evolved to tackle such unusual circumstances. The Question Hour is an effective instrument to ensure accountability of the Government and that of the administration. The situation takes ugly turn when the Government endeavours to observe the rules pertaining to procedure and conduct of business in the House rather too scrupulously and in the process the spirit of the rule is emasculated.

Drop in the number of sittings of the Parliament and the State Legislatures tantamounts to deprivation of opportunity in the House and also causes tension, interruptions, pandemoniums, deadlocks, etc. in the House. If we are to maintain dignity and decorum in the House then we must ensure that House sits for at least four months i.e. 120 days in a year.

The House is an instrument to confer the power of governance and is also the ultimate judge to decide whether the governance in the country is good or bad. Today, the situation has deteriorated to such an extent that the House has been reduced merely to an instrument for the members to get constitutional rights once they are elected. It has lost its decisive role. Discipline and decorum could return to the House only when the decisive role of the House is restored and the House does not remain merely for paper work. Thus, it is more important to

*Chief Whip, Ruling Party, Bihar Legislative Council (Original Paper in Hindi).

discuss as to how to restore the decisive role of the House than the discipline and decorum. The House is not only a machine to vote 'yes' and 'no' but it is also accountable to people and it has got rights and responsibility to make the Government and administration accountable towards it. As long as the status of the House is not restored, talks of discipline and decorum are meaningless.

On most of the occasions, the members indulge in unruly behaviour just to hog the limelight in the media. This reflects the tendency of being into headlines of print media. If a rule is framed to the effect that unruly proceedings of the House would not be published in the newspapers, and if it is required to be published, only edited part of the proceedings should be published under the direction of the Hon'ble Speaker, then it will also help to a large extent, in maintaining discipline and order in the House.

SHRI B.L. SHANKAR*[$]

The necessity to evolve a code of conduct for legislators has become a challenging task in view of the increasing instances of frequent adjournments arising out of interruptions and disturbances in the legislatures. In order to maintain high traditions in parliamentary life, members are expected to observe certain standards of code of conduct, both inside and outside the House. It is in this context that the concept of ethics and standards of behaviour for Legislators assumes significance.

The rules of procedure followed by the various Legislatures implicitly imply a voluntary compliance of code of conduct on the part of the members. But non-compliance with these rules arises out of various circumstances that has led to a situation wherein a review of the existing provisions *vis-a-vis* the actual experience has become essential for the smooth conduct of the House.

In a majority of cases, the disorder in the House arises out of a sense of frustration felt by many members owing to lack of adequate opportunity to make their points or to put across the grievances of a group or class of people whom they represent or even it could be the heat of the moment which snowballs into an uncontrollable chain of events. Perhaps such situations are easier to be dealt with. What is more difficult is to tackle the planned parliamentary offenses and deliberate disturbances for the sake of gaining publicity or directed towards political gains. Even more serious disturbances could be caused by decisions taken by political parties, deliberately, to disrupt the functioning of the House to force the Government to concede certain demands or to fuel some political movement outside the Parliament or the Legislature.

In the recent past, there have been increasing instances of resorting to violence inside the House in order to settle certain political scores. This must be certainly considered as a warning bell to the working of the parliamentary democracy and unless we take corrective steps, the entire democratic process can come to a peril. Besides this, any improper conduct on the part of the members by indulging in acts such as slogan shouting, showing of placards, rushing to the Well of the House and indulging in acts of disrespect to the Chair tend to project the image of the members in a poor light in the eyes of the discerning public.

The responsibility for an orderly functioning of the House squarely rests on all the three constituents of the House, namely, the members, the Treasury Benches and the Presiding Officer. The members must realize that the Rules of Procedure are meant to help them to raise matters in an orderly fashion and not meant to dampen their spirits. In exceptional cases when the members are truly agitated by an important event or an issue, the Presiding Officer, along with the leaders of the political parties and the party whips, can sit together and explore the ways and means of finding a solution.

Members must realize that the people have great expectations from their elected representatives and they can rise up to these expectations only if they are able to perform their

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duties in an unfettered manner. Therefore, there is an implied obligation on the part of every member to see that the business of the House is conducted in a smooth and orderly manner.

The role of the Presiding Officers is very critical and assumes further significance in view of the more challenging tasks they are called upon to perform in the days ahead. They have to perform their duties without being bogged down by the praise or criticism levelled against them. They must strive to do justice to one and all and give full chance to the members to speak and then allow the Government to transact its business. They should not only do justice but should also appear to be doing justice to one and all. After all, the Presiding Officers are also human beings and can commit mistakes, inadvertently. If they commit mistakes, they should rectify them but much depends on the sympathy and understanding they have for all the members and their capacity to do justice. However, in cases of incorrigible erring on the part of the members, the Presiding Officer may have to resort to the use of one or the other weapons available to him in the disciplinary armoury.

Often serious disturbances are caused by the decisions taken by political parties to disrupt the functioning of the House to get a demand conceded by the Government. This calls for a firm stand to be taken or concession to be made by the Government to tackle the situation. A judicious gesture made by the Government to the Opposition at the right moment could defuse the situation. Llyod George once said:

- "The House is the sounding board of the nation; it both speaks for, and speaks to the nation". It is an ideal instrument for the Government to espouse its policies and objectives but certainly is not a forum to be steam-rolled by its brute majority.

In the background of the analysis of the various situations leading to frequent adjournments of the Legislatures, it is essential that this body should come up with certain concrete and valuable suggestions for tackling one of the most complex issues affecting the proper conduct of business in the Parliament and various State Legislatures. I would like to place some of the suggestions in this direction for consideration of this august forum:

- Each House of Parliament and the State Legislatures must have a Standing Committee to deal with matters relating to framing of ethics related rules, implementation of ethics and standards for legislators and suggesting suitable penalties for their breach. Since the privileges, obligations and ethics are inter-related, it is better that a single committee deals with all these matters, together. This committee could be named as "Committee on Privileges and Ethics"

- Every political party must constitute a separate cell to educate the legislators belonging to the party in the matters relating to code of conduct inside and outside the House. This will go a long way in not only regulating the behaviour of the members inside the House but will also help in building the image of the parties in the eyes of the public.

- Since the behaviour of a member inside and outside the House has a direct bearing on the successful working of the democratic institutions, there should be a mechanism to prevent such of the persons who have a past criminal record from contesting elections to the Parliament or the Legislatures. Suitable amendments to the Representation of People Act, 1951 should be brought about without further loss of time.

- Specific and fixed timings should be earmarked for transaction of various items of business of the House, namely "Question Hour" "Calling Attention Notices", "Matters of Urgent Public Importance", "Legislative Business", etc. These timings should be discussed and finalised in the Business Advisory Committee. Once these timings are agreed upon, the same shall be adhered to by all the members belonging to various political parties. Such an arrangement will go a long way in observing timings, and will give a sense of direction and purposefulness to the business of the House.

SHRI CHUNI LAL KHAJURIA*[$]

Almost all the representatives of Parliament and the State Legislatures in India are this time extending their valuable opinions and suggestions to maintain discipline and code of conduct in our democratic institutions. Conferences of the same nature are being repeatedly organised; this will continue in future also. A few months ago, in the 2001, the subject was discussed at the Presiding Officers Conference held in Chandigarh. I had the privilege to participate in that Conference. Almost all the Presiding Officers and Deputy Presiding Officers clearly stressed the need to uphold and strengthen the discipline and the code of conduct in the Legislatures. They put forward many new suggestions in this regard. Today, we again emphasise the imperative to uphold the sanctity of the Legislature. Speeches will continue to be delivered. Conferences will also be held in future. Rules and regulations will also continue to be formulated, but the actual task is that we all have to do something practical. I do not hesitate in saying that it is we who are the law makers, as well as the law breakers, and then loudly claim to be followers of democratic values.

We all know well that now-a-days the code of conduct is observed for the sake of its name. Without taking into consideration discipline and the code of conduct, we continue to speak whatever comes to our tongue and then give it the glittering label of democracy. How long shall it continue? What are we going to do for the coming generations? What is in our hands to present them? Have we ever thought that this upcoming new generation will also be the members of this House in the future? The representatives of the people come to the House with the public issues and want their solution forthwith. But now-a-days we have touched a new law in our conduct. I have been a member of the Upper House for the last so many years. The members of my age usually enter the House with the name of the God on there lips and then participate in the proceedings of the House, keeping in view its sanctity. But our newly elected colleagues usually fail to control their emotions and indulge in many unpleasant activities in the House and then proudly justify their un-democratic activities in the name of the democracy.

A representative of the people is like a cricketer. He always tries to save his wicket and think in terms of more and more runs. This is possible only when he is determined to hold tightly the values of discipline and conduct. Only then can he achieve success and can be called a hero.

I propose, keeping in view the above observations, that before a public man is selected or elected, we should deeply investigate his political life. We should prefer people with character and efficiency in this regard.

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*Deputy Chairman, Jammu and Kashmir Legislative Council.

SHRI VARKALA RADHAKRISHNAN* $

I welcome the decision of the All India Conference of Presiding Officers of Legislative Bodies in India to convene a conference to discuss the need to evolve a code of conduct for legislators and steps to contain frequent adjournment of the Legislatures on account of interruptions and disturbances. The Rules of Procedure and Conduct of Business in the House prescribe certain norms to be observed while speaking on the floor of the House. Most of the provisions contained in the rules are frequently violated. Since no specific provision is made in the rules for evolving a code of conduct, it is pertinent to prescribe certain guidelines for observance by the members. It is also pertinent to note that the proper functioning of the Legislatures is deteriorating year by year to alarming proportions. It is high time that we evolve some procedure to restrain ourselves when functioning as elected representatives of the people.

It is true that members may not get sufficient opportunity to express themselves on the floor of the House due to limitations imposed by the Rules of Procedure. The Legislatures are functioning, mainly to transact Government business. It is the bounden duty of the Speaker to run the House for transacting Government Business. Members individually may not get sufficient time to give expression to their emotions for piloting the People's cause. it is, therefore, essential that the functioning of the House should be remodelled in such a way as to give more opportunities to members for discussing people's issues on the floor of the House without much procedural limitations. To achieve this object, it is highly necessary that the number of days for the working of the House may be increased considerably every year.

Secondly, the Question Hour shall not be dispensed with on any account because its role in ensuring parliamentary accountability is of vital importance. The dispensing with of Question Hour on any ground of emergency will be suicidal. It may be pointed out that immediately after the Question Hour any matter of urgency can be discussed with all its seriousness. Nothing will happen if the House decides to wait for an hour to discuss an issue of national emergency. The importance of an emergent issue will be maintained if it is discussed in an orderly way with all solemnity and tranquillity. On the contrary, the importance of the issue will get diluted if it is discussed amidst slogan shouting, in disorderly manner, it will not in any way help to develop healthy Parliamentary practices.

The functioning of the electronic as well as the print media plays an important role in giving publicity to the functioning of the Legislative Bodies in India. The Press is considered to be the fourth estate of parliamentary democracy. It is regrettable that much publicity is given to the conduct of the members acting in gross violation of the Rules of Procedure during the early hours of the Session. It is true that it may have news value in the matter of publicity. But it adversely affects the functioning of the Legislatures in the sense that they are giving encouragement to members who usually run to the Well of the House and shout slogans thereby. disrupting the functioning of the House. Most of the media men leave in the afternoon when the House commences serious discussion. The media is not at all interested in giving due publicity to members who speak on the floor of the House in a civilized manner after doing much

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homework. Most of the responsible members taking part in the discussions in the House are getting disappointed because their work can't be evaluated by the electorate probably for lack of publicity. So, it is essential that when we think of maintaining discipline and decorum in the legislative bodies, the media must be encouraged to report on serious discussions as well. We should evolve some modalities regarding the functioning of the Press as well as when reporting the proceedings of the House.

The conduct of members inside and outside the Legislature requires due consideration. In India, parliamentary immunities and privileges are not codified. It has to be continued as such; otherwise we will be inviting judicial intervention at every stage regarding the functioning of the Legislature. Hence, it is not a healthy practice to define the privileges and immunities in so many words in a codified law. Those countries which have made attempts in this direction are finding it difficult to meet the frequent judicial interventions. In India, even without codification there have been several instances wherein judicial interferences have occurred on the pretext of protecting fundamental rights. The punishment provided for contempt of the House has invited judicial intervention. Privileges and immunities of individual members are mostly governed by precedents. It is true that protection is made available to members in expressing freely their opinion on the day-to-day events in the country without fear of any legal action. They are free to criticise persons and institutions involved in corrupt practices. Several questions of privilege issues have come before the Privilege Committees in the matter of obstruction in their function by officials of the Government and also institutions and other individuals. We will have to evolve a code of conduct in these matters.

Regarding the question of Address by the President and Governors before the Legislative Bodies, various issues have come across in the past. Shouting of slogans and sitting on *dharna* inside the House and exhibition of placards and obstruction of the Governor in making the Address are some of the instances. There is a suggestion that the constitutional provision will have to be amended giving powers to the President and Governors in taking punitive action against offenders. I don't think that an amendment will serve the purpose of maintaining decorum in the House. The proper course should be to evolve a code of conduct for members to be strictly observed and it shall be specially incorporated in the Rules of Procedure. In this respect, the Ethics Committee can evolve a code of conduct to be followed invariably at every Session and to be implemented strictly. It is desirable that the Speaker may convene frequent Conferences to be attended by readers of political parties represented in the House and he may seek their assistance in implementing the code of conduct evolved by the Ethics Committee. Frequent orientation on courses may also be held for members dealing with procedural matters and also the code of conduct. The violation of the code shall be dealt with seriously in consultation with the Leaders of parties. The Secretariat of the Legislature shall prepare an assessment of the work lost due to interruptions by the members. It is a fact that many vital issues concerning the people can not be discussed in the House because of frequent interruptions. Even otherwise the time is very limited for discussing those issues. It becomes very serious and painful that this limited time is lost because of unwanted interruptions.

Parliamentary democracy can function only in a civilized manner. Tolerance is the essence of parliamentary democracy. But unfortunately many of us are accustomed to intolerance. Therefore it is high time that we evolved a code of conduct for the normal functioning of legislative bodies. A definite code of conduct for members can be evolved. The real test for this lies in the degree of extended cooperation by the political parties. The leadership of political parties should take a definite stand in issuing strict guidelines to the members of the Legislature for strict observance of the code of conduct. Their cooperation will go a long way in solving many issues concerning the functioning of the legislatures.

The role of the Presiding Officer in implementing the code of conduct is of vital importance. In India, the Presiding Officers happen to be candidates sponsored by the ruling alliance of parties. This is a drawback of the Indian parliamentary system. The Speaker's aspire to get re-

elected with their support. But in the United Kingdom the candidature of the Speaker is not opposed by recognised political parties if he seeks re-election. This practice is not followed in India. Hence, at times there is a tendency to show some leniency towards the ruling parties, because the Presiding Officer is also a human being. These are the limitations under which the Presiding Officers in India are functioning. Notwithstanding the limitations many of the Presiding Officers act with fairness and impartiality. The Speaker is the custodian and protector of the House. He can be termed as the symbol of the House. It is essential that the Presiding Officer should conduct the business in such a manner, which is marked by strict fairness and impartiality. The conduct of business fairly and impartially alone is not sufficient. It should *prima facie* appear that the Presiding Officer is acting with fairness and impartiality. It is his mode of functioning which creates a feeling among all the members of the House that their Speaker is functioning in all fairness. Hence, the Presiding Officer can play an important role in the observance of the code of conduct by the members. The Presiding Officer shall not be provoked. He shall not be prejudiced. He should always maintain a balance in his dealings when the House is functioning. It is an admitted fact that members come to the House with feelings of passion and tension created by the socio-economic conditions prevailing outside. It is quite natural that a member representing a political party will always raise issues with political motives. But the member should always bear in mind that they are duty bound to observe the code of conduct enunciated in this behalf.

The functioning of the Standing Committees in a proper manner can also influence the conduct of members in the House. In this connection, it is worthwhile to mention that a thorough review of the Anti-Defection Law is called for when dealing with the conduct of members. The present arrangement in the Anti-Defection Law is not conductive for a proper conduct of the members inside and outside the House.

The most important aspect in evolving a code of conduct for members is the elimination of criminalisation in politics. There is an urgent need for comprehensive electoral reforms to be implemented on the basis of discussions with political parties and an attempt to arrive at a consensus. The Representation of the People Act, 1951 requires urgent amendments in the fight against criminalisation of politics.

SHRI SURENDRA VYAS*[$]

Leaders of all political parties have been participating in deliberations over the years in various committees and conferences and expressing concern about the falling standards of debate in Legislatures and unruly behaviour of the legislators. The committees have, in the process, made many recommendations in terms of forming a code of conduct, setting up or Ethics Committees and to supplement and amend the existing rules to control such disorderly scenes in the Legislatures.

The Address by the President/Governor which is supposed to be a sacrosanct occasion in democratic terms is also interrupted frequently. This is a cause of concern for everyone. Primarily, nothing is required except a strong desire and restraint on the part of the Opposition not to conduct themselves in any manner inconsonant with the dignity of the Head of the State. The President's/Governor's Address is a statement of the policy of the Government but if it is loaded with offensive references to the Opposition, especially immediately after the General Elections, it is but natural for the Opposition to react. The Government should avoid incorporating unsavory references to the Opposition in the Address of the President or the Governor. The Opposition should also defer its protests against the policies of the Government for the regular session which starts after such an Address. A well considered decision has to be taken collectively by Leaders of all political parties at the national level as to how sacrosanct the occasion of President's/ Governor's Address is and how far politicisation of his Address can be permitted.

A view is repeatedly expressed that members interrupt without the permission of the Chair and raise issues when other procedural devices under the rules are available to them. This view is also not fully true. Presiding Officers all over the country have rendered many a rule redundant by not using the same to permit the members to avail an opportunity under those rules.

The disposition of the Presiding Officers in the matter of expunction of remarks is the least pleasant one. At times, how far a remark is unparliamentary is not the consideration for expunging it, the consideration is how unpalatable the remark is for the Treasury Benches.

Another irritant for the Opposition could be the refusal by the Chair to permit discussion on an issue simply because it does not suit the Government. Non partisan conduct by the Presiding Officers is necessary.

The *modus operandi* of the Government is to rush through its own business, allotting inadequate time for the private members' day or discussion by the members in their private capacity under the rules. This situation has arisen because, ultimately, in a Legislature, decisions are nothing but a game of numbers. Unfortunately, subjects are not debated on merits, much less a decision there on. Finally, if the Government has the requisite numbers, it will beat any motion and resolution. The situation is all more worse when the Ruling Party enjoys a massive majority in the House. Such a majority also, adds to its intolerance to the voice of dissent which is the basic feature of the Opposition's presence in the House.

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*Member, Rajasthan Legislative Assembly.

The suspension of the Question Hour, notwithstanding the positive decisions of the Presiding Officers not to permit it, is the routine feature in all Houses on even minor issues. Then again, the importance of an issue never weighs with the legislators. A relatively unimportant issue supported by even a substantial minority can stall the proceedings of the House, but at times, however sane and reasonable, a voice raised perfectly under the rules, would go unheeded and, rather would not even be permitted. The Legislature meeting successively for weeks together without transacting any business is something not only alien to the basics of parliamentary democracy but, honestly speaking, is an unpardonable affront to it.

Contrary to public protestations of the leaders to arrest this decline in the standards of legislatures, they sometimes not only encourage such unpleasant situations but also engineer them. It is a malaise that is eating into the vitals of the fundamental institutions of parliamentary democracy, *i.e.* Legislatures.

It can be checked only if the leaders ponder over it seriously, introspect and take a conscious decision to behave like leaders as such to keep up the highest traditions of parliamentary practices and institutions. It has to be reciprocal where the Prime Minister/Chief Minister and the Leader of the Opposition firmly and honestly decide to execute such a decision. So, if that were so, I see no reason why the House should not run normally, decently and strictly in accordance with the rules of business of that House.

Failing this, the only corrective measure is that the proceedings of the House should be telecast live, uncensored and unedited. There should be no expunction of remarks by individual members. The electorate should be shown how their elected representatives behave in the Legislatures. Let it be left to the people whose moral pressure on the representatives should be insurmountable to discipline them and make them behave in a decorous manner in the Legislatures.

SHRI VIJAY SHANKAR DUBEY* $

This historic Conference which has been convened to discuss the need for evolving a code of conduct for members of the Parliament and the State Legislatures as also to devise ways and means to put an end to the problem of frequent adjournments due to incidents of disruption and disorder in the House is of special importance. Though efforts have been made in this regard earlier as well, no considerable success has been achieved owing to different reasons.

It needs no emphasis that the Parliament and the State Legislatures are fora of parliamentary democracy and they are the centres of all democratic activities to which the people send their representatives by way of direct elections. Therefore, it is imperative to maintain the dignity of this important becon of democracy. These are the very institutions which provide platforms for reflecting the problems and aspirations of the people. The conduct, awareness, character, discipline and dignity of the people's representatives who represent lakhs of people in this august institution reflect these qualities of the countrymen at large. Therefore, the need of the hour is that the conduct and discipline of the legislators should be ideal and exemplary not only inside the Parliament and the State Assemblies but also outside. This is the only way to highlight and solve the problems of the people and the Ruling as well as the Opposition parties should sit together to resolve the problems with cool mind. Slogan shouting, creating pandemonium, skirmishes, snatching and tearing of parliamentary papers, stalling the proceedings of the House do not only cause losses to the tune of crores of rupees but also adversely affect the character of the countrymen and problems of the people remain unattended.

If members of Parliament and the State Assemblies are asked whether they would like to allow the proceedings of the House to be conducted peacefully or opt for unruly scenes and adjournments, their reply will be that they are in favour of peaceful conduct of the proceedings of the House. Now, the question arises as to why such unruly scenes and adjournments take place. At times, such situations arise all of a sudden over some emotive issues, but in many cases there are concerted efforts to deliberately stall the proceedings of the House in a planned manner. why is it so? You all are well aware of the reasons thereof. Therefore, there is a need to seriously consider the measures which could be taken to prevent this type of onslaught on the very core of democratic system otherwise history will never forgive us and if democracy is lost, our survival will also be jeopardized.

I would like to give following suggestions in this Conference in this regard:

- At the time of taking oath, the members of Parliament and the State Legislatures should be provided with a code relating to discipline, good conduct, decorum, etc. and its compliance should also be ensured.
- A legislation should be enacted to debar such candidates from contesting elections for the Parliament and the State Legislatures who have criminal records or who do not follow the code of conduct relating to discipline and decorum.

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- After the elections, all the members of Parliament and the State Legislatures should undergo compulsory training and there should be refresher courses from time to time.
- If one third of members seek to hold a discussion on any matter of public interest, the Presiding Officer should consider it sympathetically and the Ruling Party should also not make it a prestige issue.
- If the Presiding Officer finds a member or any group of members creating a hindrance in conducting proceedings in the House such a member or the group of members should be suspended for a fixed period and they should not get any salary or allowances for the period of suspension.
- The interruptions during the Address by the President and Governors should be declared as serious acts of indiscipline.
- If some action has been taken against a member for his acts of indiscipline twice, then on the third occasion, his membership should be terminated.
- Such members whose membership has been terminated should also be declared ineligible for re-election to Parliament.

SHRI MANOHAR H. TAHSILDAR*[$]

Governments exist to govern. Governing implies disciplining, controlling and conducting affairs smoothly, without disruption. It is ironical, therefore, that this Conference has been called to find ways to enforce discipline and decorum in Parliament and State Legislatures—the very bodies that control and direct the Executive that governs the country and the states.

It is a reflection on the difficult times we live in. The need has arisen to discipline those who have to oversee disciplined growth of the country, to curb disruptive activities of some of the custodians of order and public tranquillity. Whatever be our party affiliations, ideologies and positions in the political set up, we have a common goal—that of development with dignity and welfare of the largest number of people. That presupposes good governance.

Though it is only in recent years that the problem of indiscipline and lack of decorum in representative bodies has assumed problematic proportions, the issue is not a new one. It was discussed as far back as 1954, when the first Speaker of the Lok Sabha, Ganesh Mavalankar, referred, in his Address to the Presiding Officers' Conference, to walkouts and interruptions during Governor's Address to Legislature. At that time, however, the problem did not appear so big and he thought it was something that could be just wished away or would disappear if ignored. He observed that "if we try to put up with them (demonstrations) for some time and not make much of them or give much importance to them, then, in course of time, as the political parties develop, these will disappear."

How we wish Mavalankar's prediction came true!

Unfortunately, not only did the problem worsen, but also it did not remain confined to interruptions and walkouts during President's or Governor's Address. Disregarding the Presiding Officer's rulings or directives to stop speaking, shouting down members of the other side, shouting slogans, displaying of placards or banners in the House, rushing into the Well of the House or sitting on *Dharna* or *Satyagraha* there, have become so common that even school children staging a mock parliament or assembly feel compelled to copy them.

We would have given it the 'Malavankar treatment' (of being ignored), accepted as a part of the teething troubles of democracy (even in teething at the age of 50 is abnormal). We could have ignored it as a price we have to pay for strengthening democracy. We have one of the best Constitutions in the world, authored by great men of the calibre of Dr. Ambedkar. Our rules for the conduct of the House that could only be an improvement on that Bible for all parliamentarians—May's Parliamentary Practice-as we gained from painstaking and prolonged deliberations in the Constituent Assembly and the experience of other successful democracies as well as the unwritten conventions of the Mother of Parliaments which once governed us.

We have had 64 Presiding Officer's Conferences so far. If the Constitution and the rules of procedure for legislative bodies were followed in letter and spirit, these Conferences would have been unnecessary. These disruptions would have been temporary aberrations, just faltering first steps, to be forgotten.

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But the incidents in Gujarat Assembly in March this year changed all that. The disruption of the Assembly proceedings for four consecutive days and the attempted assault on the Speaker himself were unprecedented.

And after 64 Presiding Officers Conferences in most of which discipline or related issues were deliberated upon at length, we are holding this Conference to discuss ways to see that the Gujarat 'Assembly quake' was not repeated. Even as this Conference was in the pipeline, on October 18, the incidents were repeated, though on a smaller scale in Kerala where the Speaker was threatened and a Minister manhandled.

It is obvious therefore, that the solution does not lay in academic discussions, amending rules and preparing guidelines. Till Gujarat, with a few exceptions in Bihar and UP, the disturbances were limited to walkouts or attempts to disrupt the Governor's Address. The 1972 disruption of the President's Address to a joint meeting of Lok Sabha and Rajya Sabha members followed by walkout by a group of MPs exposed the ambiguity in the Constitution about the joint meetings of both Houses of Parliament or of State Legislatures as the Constitution did not lay down who presides over and controls the proceedings of such meetings.

The situation of joint meetings of members of both Houses of State Legislature is also the same, as was evident when the Governor of Rajasthan expelled some members in 1966 for creating disorder at the time of his Address. The matter was referred by the Rajasthan Assembly Speaker to the Lok Sabha Speaker and the Law Minister, in its report tabled in the House contended that it was left to the Governor to conduct the proceedings of the House and that he was empowered under Article 176 to expel any member who disrupts the proceedings by behaving in a manner not consistent with the dignity of the legislature. The Rajasthan High Court, approached by the expelled members, declined to intervene as the matter was already before the Lok Sabha, but observed that "it is primarily for the House to vindicate its privileges by its own processes if considers it necessary to do so."

An amendment to Article 87 of the Constitution was being suggested since then. A 'Committee on Conduct of a Member during President's Address' was set up by the Fifth Lok Sabha in 1971. A Sub-committee of the Committee had also suggested an amendment to expressly provide that when the President addresses either house of Parliament or both houses assembled together under Article 86 or 87, he presided on the occasion and that the President, after consultations with the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha, might make rules for the maintenance of order, dignity and decorum on the occasion. The Committee recommended that a new Article 87A may be inserted in the Constitution to provide for this. Three decades later, the situation is unchanged today.

The Committee's second report also suggested guidelines for the conduct of members during the President's Address for adoption by the House. It also suggested penalties for unethical behaviour of members including censure, reprimand, suspension from the House for a specific period.

The issue has come up before the nation repeatedly. In 1992 an 'All India Conference on Discipline and Decorum in Parliament and State Legislatures' was held and it suggested holding of regional Conferences to discuss the issues at length, with greater involvement of state legislators. The Eleventh Lok Sabha's Session to commemorate the golden jubilee of India's Independence passed a resolution on its concluding day stressing the need to preserve and enhance the prestige of Parliament by 'conforming to the entire regime of rules of procedure and conduct of business' and directions of the Presiding Officers, refraining from transgressing into official areas of the House or from shouting slogans and invariably desisting from any efforts at interruptions or interference with the President's Address.

In pursuance of the 1996 Presiding Officers' Conference recommendation for setting up Ethics Committee in both Houses of Parliament and in all State Legislatures, the Eleventh

Lok Sabha's Committee of Privileges did some groundwork and submitted a 'Report on Ethics, Standards in Public Life, Privileges, Facilities of Members of Parliament and related matters'. It also suggested that the renaming of the Committee of Privileges as the Committee of Ethics and Privileges and evolution of a code of conduct for members.

As the Eleventh and Twelfth Lok Sabha were prematurely dissolved, this task remained unfinished and the Thirteenth Lok Sabha set up an Ethics Committee in April 2000, while the Rajya Sabha had constituted such a Committee in December 1998 itself. In the States, however, only Andhra Pradesh and Orissa Assemblies have so far constituted Ethics Committee.

While these academic exercises repeatedly stressed the need to preserve the prestige of representative democratic institutions by ensuring decorum and discipline, there were divergent views on how to achieve the objective. Speaker, Mavalankar, holding that there is no constitutional remedy against such demonstrations and disorderly conduct, rejected the opinion that there must be punitive provisions to discourage those who resorted to disrupting the President's Address and stresses that "we will possibly be doing harm to democracy by having a rule providing for punishment."

In a note of dissent to the April 1972 Report of the Committee on Conduct of Members during President's Address, Prof. Hiren Mukherjee, recalling that he as himself was once reprimanded for interrupting the President's Address and leading a walkout, strongly opposes laying down any guidelines for members', behaviour coupled with sanctions for defiance. He felt the President's Address itself was a colonial hangover which could be dispensed with.

While sharing the distress of members at unsavoury incidents that mar the dignity of the ceremonial occasion, Prof. Mukherjee said: "I fear, however, that if it is imagined that by procedural changes, even to the extent of amending the Constitution, and by exhortations and appeals for what is considered good conduct, the disease can be remedied or even better, prevented, we shall be hugging an illusion."

Instead of "a remedy which, in present circumstances, can hardly cure the disease," he said the solution lay only in ensuring that healthier and happier political atmosphere emerged in the country.

Image of Legislatures and their members would not be the only casualty if the situation drags on for some more time. A thousand good deeds by Parliament and MPs may go unnoticed, but a single ugly scene makes headlines. The educated, already alienated from politics would further distance themselves from representative bodies, believing that electoral politics is "a game of scoundrels." This would further increase the role of unscrupulous elements, money and muscle power and, perhaps, criminals who could subvert the democratic system itself.

When intelligentsia and the educated keep out and faith in the democratic process is lost, socio-economic problems, whose solution is the main objective of politics, would only get worse. Many, especially the youth, may take to undemocratic ways, or even violence, to solve them.

While congratulating the Hon'ble Speaker for the Lok Sabha and Chairman of this Conference, Shri G.M.C. Balayogi for his attempt to bell the cat by taking stringent measures to curb indiscipline in the House and without any disrepsect to the Conferences, Committees and discussions in this regard, I wish to stress that the solution does not lay in resolutions, guidelines and more rules. The time has come for launching a massive nationwide movement for parliamentary education.

Developing and facilitating a culture of democracy is urgently needed today. Concrete steps need to be taken to promote values of representative democracy, especially among the youth in schools and colleges and even those not fortunate enough to be in them. The British House of Commons has a full-fledged education and publications programme and schools and colleges are given all assistance when their students wish to visit Parliament House, observe the sessions and seek literature on any aspect of its working.

Unfortunately, the Commonwealth Parliamentary Union's education programme in this regard, though it catered to a microscopic section of the student population, has been discontinued. We should encourage NGOs to take up the work by organizing workshops, lectures, debates, discussions, quiz contests, model parliament or legislature sessions, group meetings with MPs and MLAs, competitions in writing letters to their area MLAs and MPs on issues that concern them and similar activities. Winners of different competitions at local levels should participate, progressively, at state, regional and national level competitions and the finalists should be given either an internship facility in Legislatures or Parliament if interested in a political career or some other recognition.

After due scrutiny, these NGOs should be given grants to finance activities and such programmes are best taken up by enthusiastic, committed, voluntary workers and not by government officials.

I hope my humble suggestion would be thoroughly discussed and a scheme evolved at this session so that the concluding day's resolution of the Independence golden jubilee session is not repeated at the sessions to commemorate Independence diamond jubilee and centenary, hoping democracy would survive till then.

SHRI OM PRAKASH SHARMA*$

The problem of indiscipline and disorderly behaviour, including violence inside the Houses, is assuming alarming proportions day by day and the need for adopting a code of conduct for members is generally thought to be the remedy thereof.

In this context, it is important to keep in mind the oath of allegiance to the Constitution administered to each member before taking his or her seat in the House as provided in the Constitution. Rules of Procedure for conducting the business of the House draw their strength from the express provisions of the Constitution. Why should therefore, violation or defiance of these rules by a member not be treated as violation of the oath of allegiance to the Constitution, thereby attracting the provisions regarding disqualification?

There is common agreement that such a situation should not be allowed to continue. Various suggestions have been made to meet the situation, including the adoption of a code of conduct for members. Members who defy the Chair may be ignored by the Chair in the matter of raising questions, in giving opportunities to raise debates and to take part in deliberations generally. They may also be subjected to graduated punishment, from naming to suspension. It has also been suggested that for continued defiance of the Chair a member may be disqualified from membership and from seeking re-election for a fixed period.

The Westminster model of parliamentary system of government as adopted in our country has failed to instill the spirit of democracy amongst the Hon'ble members of our elected bodies. The whole irony is that ignorance coupled with the defiance of the Rules of Procedure and Conduct of Business adopted by the Houses themselves is a general phenomenon which inspires no repentance or remorse. Psychologists opine that defiance of authority or the Rule of Law, by an individual or a group is a state of mind which has its roots in the socio-economic conditions including injustice, inequality, deprivation and neglect. These factors, therefore, cannot also be ignored.

On several occasions, members seek the suspension of the Question Hour on the plea that some matter which, in their opinion, is of great public importance and has got to be discussed on a priority basis leaving aside the items listed on the agenda paper. Sometimes, members, raising such a plea, do so with a view to manufacturing lead stories for the media highlights; recognised political parties or groups are no exception to this practice. This naturally results in disturbance and quite often in the suspension of normal proceedings and even adjournment of the House for a short period or sometimes for the whole day.

In my State, may be in many others too, it has become a regular feature that the Address of the Governor is disturbed, knowing fully-well that the Address is drafted and approved by the Cabinet and the Governor comes to read it out only to discharge his constitutional obligation. This behaviour pattern is certainly neither appreciated by the masses nor by the newspaper-reading elite. Even then, the practice persists resulting, thereby, in regular and serious erosion of the dignity, prestige, respect and authority of our democratic institutions.

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It is widely accepted that the parliamentary democracy is a system of governance which has to evolve and grow, taking into its fold the native realities and requirements. It necessarily involves certain broad parameters of working and envisages certain principles, policies and ethics for its functioning. The character and quality of parliamentary democracy depends very much on the quality and calibre of persons who man the representative bodies.

It is common knowledge that freedom of expression inside and outside the Chambers is the soul of parliamentary democracy. This freedom, however, does not include the right to subvert the freedom of expression of others; it also does not include the right to create disorder or resort to violence inside or outside the Chambers. One of the founding fathers of our democratic system, Pandit Jawahar Lal Nehru was of the view that democracy demands discipline and mutual tolerance and freedom demands respect for the freedom of the others. If these words are taken in their true spirit, they would be a code of conduct themselves and no codification at all will be necessary. Violence has no place in a democracy. Persuasion through debate and discussion is the only course open to convince others of one's point of view. Coercion cannot be permitted in our system of governance. Disagreement with the view point of others should not lead to disturbance.

There are certain issues which arise here and need deep probing and deft handling by all of us. Looking back for a while, it would be observed that Parliaments and Assemblies of the initial years did not actually represent the typical Indian society. It mainly consisted of the elite of the society. In the later years, however, the Houses started reflecting the whole society.

Needless to say that Parliaments or Assemblies are but a mirror of the society. India as well as other developing countries are in a rapid transitional phase of development. Such societies are bound to be restless and exhibit a lot of strife, stress and strain. The set of problems faced by the society finds its reflection in the Legislatures as well. It must, therefore, be emphasised that the need of having a code of conduct or ethics cannot be fulfilled by imitating western models; rather, it has to be home grown and thoroughly Indian. Moreover, it is also clear that till such time the society becomes more cohesive, smooth and stable, problems like these are bound to occur.

However, it must also be understood that procedural changes do not necessarily lead to attitudinal changes. The process of value adaptation and assimilation is a long drawn-one that needs patience for qualitative changes in the social fabric. I would, therefore, suggest that besides formulating a code of ethics for all our members, efforts have to be made to accelerate the pace of social transformation, failing which the problems would surface again and again. Symptoms so appearing are a serious warning which the leadership must take note of. If these problems are addressed with due seriousness by the leaders that be, set the path of democracy will be smoother and the pace of development faster.

It must be well understood that our system of governance must reflect the needs, urges and aspirations of the people and provide suitable answers to their problems. If it fails, frustration is inevitable which might lead to ugly situations appearing on the floor of the Legislature. Democratic institutions, to serve and survive, must manifest their potential to inspire faith and confidence among the people, because respect and reverence constitute the very foundation of discipline. If the foundation is shaken, the structure stands demolished. If the institution of democracy, in some proportion to the aspirations of the people, delivers, the faith deepens and respect to it becomes a habit. But, if it fails, discipline is difficult to be imposed through coercion or other means. An early remedy, therefore, is the need of the hour.

SHRI M.M. HASSAN*[$]

India's parliamentary democracy has celebrated its golden jubilee. When we compare ourselves with the chequered history of our immediate neighbours during this period, we have every reason to be proud of the eventful decades we have passed, because we could keep intact the peoples faith in the democratic system, and we could prove to the outside world that ours is a functioning democracy.

But the fact that we are very seriously pondering over the ways and means to ensure discipline and decorum in the Legislative Bodies even after more than fifty years of experience is indeed thought provoking. The first Speaker of the Lok Sabha G.V. Mavalankar, in the early days of our parliamentary democratic system had remarked, "there appears to be no constitutional remedy against such demonstrations or disorderly conduct, raising of point of order etc... but we have to establish a convention...." He also cherished the pious hope that the legislators would begin to behave more responsibly as parliamentary democracy develops.

But even after five decades, growing disorder and indecorous behaviour, uproarious scenes, obstruction of parliamentary proceedings, demand for suspension of Question Hour, rushing to the Well of the House, raising of slogans etc. leading to unruly scenes, walkouts, and interruptions and frequent adjournments etc. have become quite common, marring the credibility of parliamentary institution. When members have to be suspended from the House, when shouting of slogans or staging of *dharna* or *satyagraha* takes place in the pit of the House flouting all parliamentary practices and in utter disregard to parliamentary etiquette, when debate is discarded to wage a war of abusive words and unparliamentary expressions, pandemonium descends to the sacred shrine of parliamentary democracy. When acts of discourtesy and disrespect towards the President or Governor or Speaker occurs in total violation of the provisions of the Constitution as well as the solemnity and dignity of the House, the members fail to understand that it reflects their lack of faith and conviction in the democratic process. If they have faith in democracy, each and every member of the House has the moral duty to uphold the dignity and prestige of the House. For this, self-discipline is the basic requisite.

When healthy discussions do not take place, or guillotine has to be resorted to in not exceptionally compelling situations or very huge amounts are voted without adequate discussion, we have every reason to conclude that unless this decline in standards of performance of the House is checked with norms of behaviour, the survival of the Legislature as a democratic institution would be very difficult in the days to come. Democratic practices could not flourish in an atmosphere of confusion and chaos. Hence, very stringent measures have to be evolved to ensure discipline and decorum in the House at any cost. Such measures intended for maintaining discipline could not be construed as any restriction of rights of the members. Instead, any act violating the decorum of the House shall be considered as contempt of the House and shall be dealt with accordingly. The Legislature being the forum of elected members representing political parties of different hues assembling for deliberation of matters affecting the fate of the people and the nation at large, we cannot compromise on the basic requirements quite essential

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for the survival of the democratic system. If we are to compromise, that will tantamount to inviting anarchy and the rule of tyranny. We cannot afford to ignore such degeneration in our democratic system. I am placing the following suggestions for the consideration of this Conference.

Firstly, it is suggested that any member who in violation of the discipline and decorum of the House commits an assault on a Minister or the Presiding Officer or uses abusive language or creates unruly scenes by rushing to the Well of the House or to the dais of the Presiding Officer, such member must invariably be suspended from the House till the end of the session and necessary provisions in this regard shall be incorporated in the Rules of Procedure and Conduct of Business of the House. Secondly, I would suggest that permission may be granted for the telecasting of the proceedings of the House during the Zero Hour also, as it is expected that the awareness that they are being watched by the people would exert a deterrent effect on the members by making them more self restrained and self disciplined in their behaviour in the House.

The people are the decisive factor in democracy. It is the will of the people that should prevail. No legislator could ever think that he is above people. And we should not also forget the fact that the survival of the democratic system is only up to that day when the people think otherwise. Hence, the people who elected us should feel proud of us, feel proud of themselves also for having elected us. This sense of pride could emanate only from the quality of performance, the quality of thought and expression, and the discipline and decorum, the quality of decency and good behavior are the signs of a functioning democracy reflected in the House.

Our founding fathers have chosen the path of democracy and we have inherited a great tradition. It is our moral duty to uphold the dignity of the people, dignity of the Legislature and the dignity of the nation, by reaffirming our faith and conviction in the democratic system and democratic procedure.

SHRI GANGA PRASAD*

Democracy is one of the best forms of governance. Importance of representative Houses in the parliamentary democracy knows no bounds. As per the provision of our Constitution, people's representatives are elected to the Lok Sabha at the Central level and to the Legislative Assembly at the State level. The responsibility of the Lok Sabha and the Legislative Assemblies is to guide the Executive as also to motivate it to take recourse to protect the rights of the people at large by exercising proper check over it.

As a vehicle of democracy, Legislative Bodies act as an effective forum for the manifestation of hopes and aspirations of the people. In order to maintain conventions of the parliamentary system, it is expected of the people's representatives that they will conduct themselves in a dignified and courteous manner in the House to develop and strengthen parliamentary culture. About the norms laid down for people's representatives, *Manu Smriti* says thus:

"Sabha wa na pravestavya waktavayam wa Samanjasam,
Abruwan Vibruwan Wapi naro bhavati Kilvishi."

That is to say, either one should not enter the Sabha (House) or if one at all enters the Sabha, one should speak the truth and only truth. Any person, who remains a mute spectator with a view to covering up the truth, whether out of fear or for being partial even after knowing about the facts of the disputed issue, is a sinner. According to *Shukarniti* also, the *Sabhasadas* (Members) are advised to use such a language which is pleasant, courteous and which promotes the welfare of the State.

Till the recent past, parliamentary decorum had been maintained in the Legislatures of India, but for the last few years legislator' conduct has been deteriorating constantly owing to unruly and undemocratic behaviour of the representatives of the people. Allegations, counter allegations, scenes of pandemonium, slogan shouting, showing disregard to the Chair, staging *Dharna* in the House, march to the Chair, snatching of papers, walkouts, repeated adjournment of the proceedings—all these scenes have become not only inevitable but order of the day in functioning of the House.

Now the proceedings of the House are telecast live on *Doordarshan*. The public observes the behaviour of their representatives very minutely. They feel very disappointed on watching the conduct and behaviour of their representatives in Legislatures. Ethicists have opined, "*Mahajano yen gatah sa panthah*", *i.e.* the path trodden by great people is followed by the masses. The members of Legislatures who are elected by the precious votes of the people in a democratic system, enjoy a special status under the Constitution. Therefore, it is expected of them that they will maintain the dignity of the House by being disciplined in the House. Their deeds and conduct in the private life also should be emulating for the masses.

As per the provisions of Article 87 and 176 of the Constitution, after every General Election, the first session of the Lok Sabha and State Assemblies commences with the Address of the

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President and the Governor respectively. Addressing the Houses of Parliament and State Assemblies is the constitutional obligation of the President and the Governors as the Heads of the Union and States. Maintaining the dignity and decorum of the House during the Address is moral duty of the members. Convention demands that members should not leave their seats during the Address by the President or the Governors. But it is a matter of concern that the incidents of pandemonium and walkouts are increasing during the Address by Heads of the Union and the States. Under the rules of procedure, the debates on the Address continue for many days and the Opposition is free to raise any issue it wants during the debate. But this freedom does not mean freedom of flouting rules. The Opposition has every right to say what it wants but that should be done under the prescribed procedure and rules.

Sometimes conduct of members also creates disorder. The rule says that the members should speak only after seeking permission from the Chair, but what actually happens is that many members start speaking simultaneously without taking permission of the Chair. At times, the members go on speaking even defying repeatedly orders of the Chair. Attaching more importance to their personal prestige than to the dignity of the House. Members create ruckus in the House when they do not get answers to their questions or when their motions are not admitted or when they do not get time to speak on a motion etc.

On many occasions members demand suspension of Question Hour in order to take up any particular issue first, and for this unruly scenes are created. The suspension of Question Hour should be avoided as far as possible, except in the case of serious and very important issues.

Yet another reason for unruly scenes in the House is fewer sittings of the Houses particularly of State Assemblies. If the sittings of the State Assemblies are held at regular intervals and at least 100 sittings are fixed in a year, then this arrangement could prove effective in solving this problem.

On many occasions members resort to unruly behaviour just to attract the attention of the press. The members select those issues which they believe, will ultimately give them publicity. If the press highlights only the constructive activities of the House and does not give any importance to deliberate unruly behaviour aimed at getting cheap popularity or publicity then, the number of such incidents will definitely come down.

Today, the need for implementing a code of conduct for people's representatives is being felt more urgently than ever before. I feel we already have several rules and regulations pertaining to the conduct and behaviour of members. The need is to implement them effectively. The expression of rebuttal, criticism or dissent to the ruling by the Chair should be within rules pertaining to practice and procedure in the Parliament. Therefore, the members ought to observe the relevant rules, traditions and conventions while raising an issue in the House.

The Leaders and Whips of political parties can play an active role in this direction. All the political parties should orient and motivate their members to conducts themselves in a dignified and courteous manner in the House and if a member conduct himself in an unruly manner, the political party he belongs to, should reprimand him or her. The members should not indulge in sloganeering, sitting on '*dharnas*', defy the Chair and also should not rush into the Well of the House to disrupt the proceedings. Therefore, after every General Election, orientation and training programmes should be organized and experienced subject experts should be invited to deliver lectures on these issues to the members.

To maintain the dignity of the Legislative Bodies, the members need to be self-disciplined. Unless and until the members observe self-discipline, smooth conducts of proceedings in the House is just not possible. The public representatives should understand that people have assigned huge responsibility to them, they must, therefore, make maximum use of time in the House.

SHRI RAMAKANTA MISHRA*[$]

The growing incidents of disorder and disturbances witnessed in our Parliament and State Legislatures have been a matter of great concern to every conscious citizen. Much has been discussed at various forums and much has been preached at different times on this important aspect, but nothing fruitful has come out to improve the position.

While analysing the causes for such unruly conduct, it may be held that the phenomenon has taken a violent and rising trend more in recent times than before, and more by the young members than the seniors or the veterans. This indicates that the fault lies basically at the declining standards of our electoral system. The vital aspect of personal qualities and antecedents of the candidates is not being taken into account seriously prior to their election to the august House. This, therefore, contributes considerably to the undesirable disturbances inside the House.

Secondly, the unparliamentary remarks and objectionable deeds of the members rather than their speeches or suggestions often draw profound attention of the media as a result of which they become encouraged to take political mileage and to get publicity.

Thirdly, the failure of some Ministers to furnish prompt and factual replies to various questions and queries of the members as well as their negligent attitude to carry out certain assurances given in the House often makes the members irritated, aggrieved and violent.

Fourthly, the lack of opportunities to participate in discussions and debates of the House makes some members frustrated because of which they do not hesitate to create deliberate disturbances.

Lastly, the Presiding Officers, at times, demonstrate some sort of partiality and favouritism to the Treasury Benches and this naturally prompts the members in the Opposition to agitate and revolt.

A number of valuable suggestions for maintaining discipline and decorum in the House have been given from time to time, such as increasing the sittings to at least 100 days in a year, making the Office of the Speaker non-political, prohibiting suspension of Question Hour, formulation of a code of conduct for members, provision of training and orientation for members, etc. In my opinion, a lot depends on the role of the Speaker or the Presiding Officer. The Speaker should be above party politics and should respond impartially to the opinions expressed by the members. He should never lose control over himself and should always appear to be doing justice to all. A convention should evolve to ensure that the Speaker resigns from the party after being elected as such and that once a member becomes the Speaker, he does not become a Minister or hold any other lucrative post during the particular tenure of the House.

Secondly, Ministers should act and behave properly by answering every question of the members on all sensitive issues without hiding facts. The Treasury Benches should develop a sense of tolerance, and refrain from teasing or provoking the Opposition members by virtue of

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their numerical strength in the House. The Minister in charge of Parliamentary Affairs should have a good rapport and contact with all members and party leaders so as to help diffuse volatile situations and conduct the House smoothly.

Thirdly, members should exercise self-control and self-discipline. They should realise that democratic freedom does not mean indiscipline and also that violence is the very negation of democracy. They should act within the ambit of prescribed rules, practices and procedures of the House.

Fourthly, political parties should come forward to co-operate by framing their own code of conduct to be followed by their members in the House. We can expect better results if political parties select right persons to be members, train them properly and review their conduct and performance from time to time. Leaders of parties in the House and Whips should remain vigilant, guide and control their party members.

Another unpleasant suggestion I would like to spell out for consideration is that a Committee or Jury may assess the activities of members every year and list out the names of the "Most Unruly Members" in the same way as "Outstanding Parliamentarians" or "Best Legislators" are chosen. Such unruly members may be publicly cautioned to be disciplined and law-abiding. This may appear to be quite harsh, but may serve as a deterrent.

Last but not the least, the Press should commend or criticise the behaviour of individual members freely instead of merely highlighting the uproarious scenes in the House. This will have a lot of effect on them. The Speaker and the Leaders of parties should interact with media persons on this score before the commencement of each Session. Moreover, all the proceedings of the House may be telecast so as to expose the conduct of the members to the full view of the people who would be able to form their own opinion about their representatives.

It needs no mention that the suspension of Question Hour or interruption during the President's or Governor's Address is neither useful nor admirable. There is also no denying the fact that the increase in the number of sittings of the House as well as the meaningful utilisation of the Zero Hour is very much desirable. Imparting training to the new members is equally important. These aspects call for threadbare discussion to arrive at some acceptable decisions. Unless something tangible is done, the situation will be alarming in the coming days.

SHRI SUSHIL KUMAR MODI* $

Parliament/Legislative Assembly is the highest legislative body of the country/state. They have their own dignity and decorum. The term "Parliamentary" itself symbolizes dignity and decorum. Members of Parliament and Legislators, elected by the valuable votes of the people in democratic system, have been accorded the status of dignitaries. It is, therefore, expected that the members would maintain the dignity of the House by their disciplined and composed behaviour and decent conduct in the House. Their actions and behaviour in the private life should also be exemplary to enhance the dignity of the House.

For over a decade, unruly scenes have been witnessed in our Parliament and the State Legislatures owing to undignified behaviour by certain members. As a result, the discussions, debates and other important legislative business in the Houses have been reduced to a mere formality. Frequent scenes of pandemonium, charges, counter-charges and indecent incidents of skirmishes in the Parliament and the State Legislatures are a matter of serious concern for those having faith in democracy.

If we look at the reasons for deterioration of norms of discipline and decorum in the Houses, we find that now a days the Treasury Benches try to see that the sittings of the House are reduced to the barest minimum. The Executive also tries to shy away from facing the Legislature and often sittings are held just to meet the constitutional requirements. As members do not get sufficient time, scenes of disorder are created in the House. To avoid such situation, the sittings of a Legislature should be held at short intervals and there should be 90-100 sittings in a year so that the members could take up the issues relating to their areas. In a democracy, the Government should be more sensitive and the Opposition should be more responsible.

The duration of Question Hour is one hour, and this is meant exclusively for the members to give vent to the issues of their concern. Members raise issues relating to their areas, other public related problems and important issues through questions and seek answers from the Government and the action thereon as well. This facilitates disposal of the specific problems of their areas and some results come forth, but the matter becomes complicated and tempers run high, if the Government do not give reply on time and action is not taken. Uproarious scenes are created if the concerned Minister does not give proper reply or if he is not well prepared or he is evasive in answers to questions. Suspension of Question Hour definitely results in wastage of members' time. There should be such a provision that Question Hour is suspended on the barest minimum occasions. Suspension of Question Hour should be avoided as far as possible, except when some sensitive and urgent matters have to be raised.

Often, it has been seen that during the Address of the Governor, interruptions are caused by some members who start making parallel speeches and they even rush to the Well of the House, in protest and stand up on the benches and thus create indecent scenes. This is not proper. The Governor addresses both the Houses as per the provisions of the Constitution. It is only under constitutional obligation that he delivers his Address in the House and it concerns the

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policy of the government. If the members desire to protest, they can do so during the discussion on tne Motion of Thanks on Governor's Address.

In order to maintain discipline and decorum in the State Legislatures, the Legislators of all the political parties should take unanimous decisions so that the proceedings of the House may be conducted without interruptions and in a dignified manner.

SUGGESTIONS:

- Sittings of the House should be held at least for 90-100 days in a year, so that members may get ample opportunities to put forth their views and are able to fulfil their constitutional obligations.
- The Question Hour should be allowed to be completed uninterruptedly because this hour is exclusively for members and only their points are discussed during this period. Members raise a number of issues concerning their constituencies and want actions thereon.
- Government/Minister should come well prepared in the House so as to reply to the probable questions, so that members and the House may be convinced. Replies to questions should not be evaded.
- There should be immediate discussion in the House on burning issues and the reply of the government should be to the satisfaction of the House.
- Members raise several important issues during the Zero Hour which the government take notice of, but replies of the government are inadequate. The government should fix a time during which replies to all the points raised by members during the Zero Hour should be given to the satisfaction of the members. The duration of Zero Hour should be extended.
- The Office of the Governor is august and supreme in the State Legislature, and it is the constitutional duty of the Governor to read out the policy paper of the government in the form of Governor's Address. Therefore, interruptions and pandemonium during Governor's Address should not be allowed to take place. All the membets should cooperate in allowing the Governor's Address to be completed uninterrupted.
- There should be a code of conduct for the members of political parties and the Leaders and Whips of political parties should have the responsibility to ensure that the said code of conduct is adhered to. The rules and regulations regarding conduct, discipline and behaviour of members already exist. What is required is to follow them strictly.

In order to maintain dignity, decorum and discipline in the House, members should avoid slogan-shouting, staging *dharna* and making provocative and unparliamentary expressions. To achieve this end, all the political parties should create awareness among their members to allow the business of the House to be transacted smoothly and in a serious manner.

DR. RAMCHANDRA PURVE*$

In a parliamentary form of democracy, Legislative Bodies are pivotal as they take stock of all the activities of the entire nation or state. These are the fora where the public and the Government face each other. There are certain checks on the Government to ensure that the decisions taken by the Government are in consonance with the aspirations of the people. Not only this, these are the fora where Government's decisions and implementation of its programmes are reviewed effectively. The parliamentary system is a system of governance which does not patronize violence, hatred, anguish and indecent behaviour.

In this system, differences are settled through debates. It has been rightly said that beauty of this system lies in the fact that decisions are taken through 'words' and not by 'swords'. Another aspect of this is that in a pluralistic society in which people of different communities, languages, religions, castes and cultures live together, it is but natural to have multiplicity of political ideologies and the voice of dissent should also not be suppressed *i.e.* expression of difference of opinion is the pre-requisite of the parliamentary system and ample opportunity should be given to the opponent to put forth his views. Secondly, the voice of dissent should not cross limits of decorum and principles of the parliamentary norms and procedure. Importance has been given to general etiquettes in the Parliament of Britain as well, which is deemed to be the mother of parliamentary system. It is a well known fact that every member should have the same sense of respect and tolerance towards other members which he expects for himself from other members. It is the first and the foremost principle of the proceedings that conduct of business in the House should be smooth because to interrupt a member on his legs and to stall the proceedings of the House strikes at the very root of the parliamentary system. Presiding Officer have been conferred an authority to regulate such a situation in the House. He has absolute authority to interpret his rulings and determine the validity of the proceedings of the House even though the member concerned may disagree or be dissatisfied with his ruling. That is why a rule has been evolved for the members under the Rules of Procedure and Conduct of Business in the House to accord due respect to the Speaker as he enters or leaves the House. In the light of these fundamental principles, the functioning of the parliamentary system is regulated.

PROBLEM

Unpleasant scenes in the Legislatures are being witnessed over the last few years. Getting involved in scuffle, removing the mikes, shouting slogans at the top of the voice, staging *dharnas* outside the House in order to block the entry of the dignitaries to the House and rushing to the Well of the House, disrupting the ongoing proceedings of the House have become the order of the day. Even the incidents like throwing of paper balls on others, besides making noise and starting parallel speech in the House are taking place. Such incidents are either pre-planned or take place all of a sudden. The pre-planned pandemoniums are motivated by the party politics also. Such incidents can be witnessed on two occasions—first, during the Address by the President

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or the Governor and secondly, during the routine business of the House which includes Question Hour and Zero Hour also.

The Address by the President or the Governor has its own importance. It contains broad outlines of the policies and programmes of the Government for the ensuing year. All the members are supposed to show respect to the President or the Governor. That is why these dignitaries are conducted to the House in a procession. The Committee on Conduct of Members during President's Address recommended six point guidelines in 1971 for maintaining dignity, peace and order in the House which includes listening to others patiently, deeming any sort of violation of the said guidelines as contempt of the House, raising no other issue during the President's Address and causing no interruption during the course of the Address. But these guidelines are being violated. The Governors are not allowed to read out their Address.

Besides, it is seen that Question Hour is also disrupted. By raising the demand for discussion on another matter, this important business of the House is disrupted. In addition to this, the debate on the Budget, Matters of Urgent Public Importance and various other motions are being disrupted and if it is not contained, the parliamentary system itself will be thrown out of gear and it will give rise to violence, hatred, anguish and unpleasant scenes in the House which is fatal for the parliamentary system.

Solution

The prime responsibility to deal with such a situation lies with the representatives of the people, Presiding Officers, Ministers of Parliamentary Affairs and Whips of Political Parties. Then comes the responsibility of intellectuals and policy-makers who can endeavour to check forthwith the deterioration in parliamentary behaviour and protect the dignity of parliamentary system. It is not that the members and officers of the Legislative Bodies are not concerned about it. For example, besides the Committee on Conduct of Members during President's Address in 1971, the Conference held in 1992 on 'Discipline and Decorum in the Parliament And State Legislatures', reports submitted by the 'Ethics Committees' of the Rajya Sabha and in the Lok Sabha 1997 and 2000, respectively, the letter addressed to Hon'ble Speaker, Lok Sabha, by the Speaker of the Gujarat Legislative Assembly in April 2001, are the proof of this. Despite all these endeavours, deterioration in the parliamentary behaviour could not be checked. Today, it is our moral and constitutional responsibility to devise concrete measures to check it.

The solution of this problem could be remedial and punitive (strict penal provisions) but the remedial measure could be more effective. So far as the Rules of Procedure and Conduct of Business in the House and constitutional provisions to check the unpleasant behaviour are concerned, I think that these are adequate for the present. The behaviour of Hon'ble members should be different from that of the common man. There is a need to adopt a three pronged strategy to bring about a qualitative change in this direction. Firstly, at personal level, moral qualities, approach towards aspirations of the people and the knowledge of parliamentary principles are required to be enhanced. Secondly, the rules of parliamentary procedure should be amended and the session period increased so that there is less scope for frustration and thirdly, political defections should be curbed.

Personal Improvement

As far as personal improvement of members is concerned, there is a need to impart knowledge in respect of norms of parliamentary practices, principles inherent in various parliamentary devices and orient them to moral values. In the concluding session of the Constituent Assembly, Dr. Rajendra Prasad had aptly remarked on moral values of members, "There are only two regrets which I must share with the Hon'ble members. I would have liked to have some qualifications laid down for the members of the Legislatures. It is anomalous that we should insist upon high qualifications for those who administer or help in administering the law but none for those who make it except that they are elected. A law giver requires intellectual

equipment but even more than that capacity to take a balanced view of things, to act independently and above all, to be true to those fundamental things of life... It is not possible to devise any yardstick for measuring moral qualities of a man and so long as that is not possible our Constitution will remain defective".

Therefore, the members ought to observe certain ethical norms. I strongly feel that no norms can be laid down for moral qualities. However, by organizing orientation and training programmes on regular basis, the members can be oriented to the standard of parliamentary norms and they can be enlightened about their priorities with regard to people's aspirations. And this seems very necessary particularly for newly elected members. Orientation/training programmes should be organized for members from time to time at the Parliament and State Legislature level wherein lectures should be delivered on parliamentary norms, orderly parliamentary behaviour, rules of procedure, universal principles of parliamentary procedure and various social problems and their solutions so that the members may express the aspirations of the people effectively and be aware about the parliamentary norms. We can not propound moral values in a concrete manner but we can prescribe their duties, limitations and aspirations as a member of Legislature and this is possible only through such training and orientation programmes.

Reforms in the System

Each member whether he belongs to a smaller party or has been elected as an Independent candidate should get sufficient time to express his views in the Parliament. Generally, such members are not given opportunity to express their views. It is rightly said that Parliament is not only Government and Opposition. It is individual members, even minority of one. It is quite conceivable that for various reasons neither the Government nor the official Opposition might wish to discuss a matter which the minority might want to discuss immediately. That is to say, sufficient provisions should be made in the parliamentary system for individual members. For this purpose, I recommend the following two things—First, the duration of session of Legislatures should be long, since sessions of short duration deprive members of expressing their views. Second—such provisions should be made in the Rules of Procedure and Conduct of Business to enable the individual members to raise matters freely. Two novel devices have been evolved in the Indian parliamentary system—Zero Hour and Calling Attention Motion. Hon'ble members are free to raise matters through these devices. But due to paucity of time, some restrictions have been imposed on these two devices. Thus rules regarding giving notices in limited words for raising issues during the 'Zero Hour' and admitting only one or two Calling Attention Motion for discussion out of total such motions received, restrict the opportunities for members to express their views. In this regard, I would like to suggest that no further restrictions are required to be imposed in respect of these two novel devices and they should be kept free from these restrictions. Besides, on the lines of the British Parliament, a time slot of half an hour should be fixed for free discussion before adjournment of the House on a motion which reads as follows in Britain, 'This House do now adjourn motion'. Opportunities for free expression of views are given in many other Parliaments in form of 'Grievance Hour', 'Ten Minute Experiment' etc. Such provisions should also be made in our parliamentary system. Besides under the Committee system though the members of various committees express their dissensions but it is not brought before the House. Such members should be given an opportunity to express their dissension and explain their stand in the House also.

Code for Political Parties

I believe that behind indecent behaviour by a member, there is a tacit consent of the leadership of that political party. Leaders of political parties and party line approach could also be held responsible for unruly behaviour of members. It is also the responsibility of the leaders of parliamentary parties to encourage their members to behave in accordance with the parliamentary norms. Particularly, those parties which have adequate representation in the House should not resort to disruption of the proceedings of the House. Leaders of parliamentary parties should seek time from the Chair to ventilate their grievances instead of provoking the members

of their party to shout and rush in to the Well of the House. Therefore, it is necessary for all the political parties to take oath to the effect that they will not allow their members to conduct themselves in indecent manner and will ensure its compliance. Therefore, such provisions are required to be made under which all political parties should frame certain rules and restrictions and ensure their compliance so that their members conduct themselves within the parliamentary norms. For this purpose a provision should be made to the effect that immediately after the meeting of the Business Advisory Committee, the Presiding Officer should convene a brief meeting of all the Leaders and Whips of parliamentary parties or legislative parties to inform them about the further agenda and should also ask them to ensure that their members do not indulge in unruly behaviour. Political parties should also frame a code of their own so that members may be able to make optimum use of the valuable time of the House in transacting parliamentary business. *Dharna*, slogan-shoutings and demonstrations are the activities to be resorted to outside the House. They can never form part of parliamentary business. Political parties are supposed to carry out parliamentary business rather than political business in the House. It is the duty of political parties not to waste the valuable time of the House by indulging in political activities inside the House. Provisions should be made in the Rules of Parliamentary Procedure and Conduct of Business that members can not indulge in political activities or pursue the political agenda of their parties in the House.

Conclusion

We can conclude that deterioration in the parliamentary behaviour can be checked by joint efforts on the part of members, Presiding Officer, party leaders and by following parliamentary rules. In this context, I would like to give following suggestions—

- State legislators/members of Parliament should be oriented to the Rules of Procedure and Conduct of Business in the House, various parliamentary events and their inherent principles, parliamentary standards being observed by the other countries and one week orientation/training programme should be held for them every six months and in course of that programme there should be a review of the indecent behaviour of the members during the previous sessions and they should be asked to take an oath/ promise to adhere to the parliamentary standards.
- During the orientation course/training, emphasis should be laid on identifying moral qualities and the issue of giving expression to genuine aspirations of the people should be highlighted.
- Members should be made aware of the solemnity of the President's Address/Governor's Address and they should be apprised of the need to show respect for them. Members should also take oath to this effect.
- Session-period of Parliament and State Assemblies should be extended. There should be a check on the tendency of holding brief sessions.
- There should be no limitation in regard to the prevailing devices of free expression through regulations, however, members should make proper use of such devices. Notices for raising matters during Zero Hour and Calling Attention are such major devices.
- Stringent provisions should be made to ensure that the Question Hour is not disrupted under any circumstances.
- Provisions should be made to set up Ethics Committee for each House of Legislature which should make recommendations from time to time.
- Towards the end of sitting every day during the session, at least half an hour should be set apart for individual members to enable them to express their views freely. The period may be termed as Grievance Hour or Constituency Problems Hour.

- Parliamentary code of conduct should be evolved for political parties and the political parties should ensure that their members follow such code.
- Political parties should be asked to resolve that they would not indulge in political activities in the House.
- The Presiding Officer should hold a brief meeting with the Leaders of Parliamentary Legislature Parties to apprise them of the decisions of the Business Advisory Committee as also to ask them to take an oath to the effect that they would not indulge in indecent behaviour.
- There should be a provision for taking formal oath on daily basis by members expressing faith in parliamentary system and model parliamentary behaviour.

SHRI RAM SEWAK HAZARI* $

I suggest the following in regard to discipline and decorum in this All India Conference:

- The Presiding Officers, Leaders of the Parties/Groups are mainly responsible for maintaining discipline and decorum in the Parliament and State Legislatures;
- People's representatives raise the issues of people through the Legislatures. They keep the autocratic administrative officers on toes and thus pave the way for justice. However, it is unfortunate that for the last several decades the Ruling Party has been running the House according to its own whims as a result of which people's representatives become helpless. They fail to raise major problems and are unable to give vent to their feelings in limited sittings of the House;
- Newspapers and *Doordarshan* also give wide coverage to the unruly behaviour of some members. This encourages other members also to try to violate rules relating to decorum and cross their limits just to get their name published in the newspapers or to be shown on *Doordarshan*. The Ruling Party also resorts to these means of publicity;
- Political parties field anti-social elements as their party candidates in the elections without caring for the dignity of the party. This gives a severe jolt to the faith of common people in the political system. The need of the hour is that all parties should stop fielding anti-social elements as their candidates in the elections. A wrong person should not be allowed to contest election even as an independent candidate; and
- Finally, it is my categorical view that if the above mentioned points are followed widely, then only the House which is meant for voicing the problems of crores of people, can conduct its business with dignity and decorum for a longer period.

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SHRI NAVEEN KISHORE PRASAD SINHA*$

The House is a symbol of the wishes and aspirations of the masses. Therefore, it has its own dignity and decorum. The representatives of the people make best use of the precious time of the House for discharging their duties entrusted to them in the larger public interest. Of late, there have been frequent disruptions in the proceedings of the House and therefore, we need to delve down to its root causes and ascertain as to what disrupts the proceedings and why we have not been able to maintain discipline and decorum in the Parliament and the State Legislatures. The main causes are:

- Pandemonium and uproarious scenes are created in the House as the members, at times, do not get adequate time to put forth their points of views. This is not only inappropriate but also a grave threat to parliamentary democracy. Therefore, there should be at least 90-100 sittings of the House in a year, so that the members could get adequate time to express the wishes and aspirations of the people in the House.
- 'Question Hour' is an important part of the proceedings in the House. The House gets a lot of information through questions and it is the questions through which the members get an opportunity to ensure the accountability of the government. Therefore, the Question Hour should not be suspended, except in the exceptional circumstances. The replies to the questions may be provided to the members well in advance so that they may ask only supplementary questions in the House and precious time of the House could be saved and more and more members could get the replies to their questions. The members too, should not show their intransigence during the 'Question Hour'.
- Thousands of Government Assurances are pending in the State Legislatures due to non-implementation. The Government is not sincere in taking action on the assurances given in the House. Same is the fate of petitions submitted/submission made by the members. The members strive to address the local problems of the people through petitions and submissions, but the Government are not able to take any action even after the expiry of their five years term. As a result of which the petitions and submissions made by the members stand lapsed with the dissolution of the Assembly. When the members take stock of their five years term, they feel highly disappointed and frustrated and they give vent to their frustrations by disrupting the proceedings of the House. I do believe that this is not appreciable but the members do not have any other option.

  Therefore, through this Conference, I would like to make a humble suggestion that the Government must act quickly and seriously on the assurances given by it in the House. It should also take action on the petition/submission made by the members as per rules and inform the members accordingly.
- During the last two decades, a trend has started to get the vote-on-account passed first and then presenting the Budget in the next session of the State Legislatures. The State Governments get the vote-on-account passed for four months during the Winter

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Session and get the Budget passed during the Summer or Monsoon session. The duration of Budget session is so short that Demands for Grants relating to only one-third of the departments are discussed and the Budget for the remaining two-third of the departments is passed without discussion by way of guillotine, which is very dangerous for parliamentary democracy. The members feel helpless and find it difficult to express their views on the Budget of those departments which are passed by way of guillotine for want of adequate time. Even if there is a discussion on the Demands for Grants relating to certain departments in the House, the Government does not give their reply on the cut-motions moved by the members and the Budget is passed by brute majority.

Therefore, the Annual Budget should be presented in the Assembly in place of vote-on-account. The Demands for Grants for all Government departments should be discussed and the Departmentally Related Standing Committees should be constituted to facilitate discussion on the Budget provisions for various Government departments. The cut motions moved by the members should be responded to by the Government and only after incorporating all these things in the proceedings of the House, measures should be taken for maintaining discipline and decorum in Parliament and State Legislatures.

- The State Governments prefer to promulgate ordinances, than to face the House for running the Government. On any fine day a Bill is introduced, whenever the session is in progress and the members do not get enough time to go through it and only a few hours time is given to bring in amendments thereto. At times, the members are not provided even the copy of the proposed Bill. The members find themselves in an awkward situation as to what to do. In case, a member brings any amendment to the proposed Bill, the amendment is not adequately discussed in the House and the Bill is got passed on the basis of majority. This happens to the Government Bills, at the same time several State Legislatures do not allot any time for taking up the Private Members' Bills inspite of knowing their importance in a parliamentary democracy. India's 50 years' history of parliamentary democracy is a testimony to the fact that all the revolutionary Bills such as Panchayati Raj Bill, etc. were first introduced as a Private Members' Bill in the Parliament and subsequently the Government brought an official Bill on those lines.

  Therefore, all the members should be provided with the copy of the original Bill fifteen days in advance of its introduction in the House. If the House agrees, it should be referred to the Select/Joint Committee for their comprehensive scrutiny. A day of the week should be fixed for taking up Private Members' Bills.

- The State Governments pay no heed to the recommendations made by the Committees of the House and the Action Taken Reports are not presented by them. This is a very serious matter. The members take a lot of pains in making recommendations or comments on the performance of various Government departments. However, the Government does not take any action thereon. The bureaucracy is going out of control. The bureaucrats are lacking in their accountability to parliamentary democracy.

  Therefore, the Government should present Action Taken Reports on the recommendations made by the Committees. With this the bureaucrats will discharge their duties and responsibilities sincerely and this will also strengthen their faith in parliamentary democracy.

I firmly believe that only after incorporating the above mentioned measures in the proceedings, discipline and decorum can be maintained in the House. Leaders and Whips of political parties are greatly responsible for maintaining discipline and decorum in the House. Therefore, it is not only desirable but also essential to keep the members of their parties in discipline and extend fullest cooperation to the Presiding Officer to conduct the proceedings as per the prescribed norms. The Presiding Officers should also be sincere and impartial towards all the members, irrespective of their party affiliations. They should always be fair and impartial in their attitude.

SHRI GULAB SINGH THAKUR* $

The institution of Parliament is one of the greatest political inventions of modern times. It has been designed to ensure that the views of the people are reflected in a body which is bestowed with the duty and the responsibility of the governance of the country. In a vast, developing country like India, which has set for itself the goal of securing social and economic justice to the people, policy-makers and the legislators should be educated and trained regarding the operational devices to be adopted in the parliamentary institutions. For effective discharge of their functions as representatives of the people knowledge of 'how Parliament/Legislature gets about to its business' is also required because certain parliamentary procedures have been evolved in the course of time to make the Executive accountable, responsive and responsible to the Parliament/State Legislatures. Such methods not only control but also sustain the government as well. Some tools of parliamentary control are Questions, Adjournment Motions, No Confidence motions, Calling Attention Notices, Half-an-hour Discussions, Budget Discussions and Parliamentary Committees, etc. All these are effective instruments for securing the redressal of administrative lapses and for discussing matters of urgent public importance. In the ultimate analysis, legislators are the guardians of the people. To put it in the words of Pandit Jawaharlal Nehru, '*There can be no higher responsibility or greater privilege than to be a member of Parliament*'.

Over the years, the duties, functions and responsibilities of the members have increased enormously. But now, at times, healthy conventions, ethics, parliamentary etiquette and procedures are being overlooked by some legislators. Once the Question Hour is over, there are often noisy scenes and pandemonium in the House. Sometimes, clashes between the Treasury Benches and the Opposition take place on trivial, rather than on policy matters. On such occasions, even unparliamentary words are used. In the past, the Ruling Party used to observe norms and conventions of Parliament more responsibly than the Opposition. But things have changed in recent years with the increase in the number of political parties. Now, political parties of various hues with no ideological similarities, come together to form Governments. There is a shift in the entire approach of the members of the Parliament/State Legislatures. Earlier, they used to spend hours in the library studying problems and preparing speeches and then putting forth their views effectively in the House. Now priorities seem to have changed. More interest is shown in sensationalisation of the issues rather than to constructive discussion and solution thereof.

Discipline and decorum in the Legislatures are, therefore, amongst the most frequently discussed issues. Several attempts have been made in the past to evolve a code of conduct for legislators. But the desired results are yet to be achieved. When we talk of discipline and decorum the focus should not be limited to the conduct of legislators within the four walls of the House but it should be in a wider context. Rather, it should be adopted as a way of life. Legislators are looked upon as role models and hence their behaviour is keenly observed by the general masses. The disruption of proceedings by them goes against their expected role which brings these 'temples of democracy' into public disrepute.

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In recent times, the debates have become acrimonious. Some members have the least respect for parliamentary institutions and parliamentary ethos. It has become difficult for the Presiding Officers to manage the slated legislative business. During the discussions over important bills and policy matters, many a time, large-scale absenteeism is observed on both the sides. There are violations of rules and regulations by members. Today, besides disturbances during President's/Governor's Address, the growing incidents of indiscipline, disorder, indecorous behaviour, stalling the proceedings on the floor of the House etc. are matters of general concern. In spite of in-built devices in the Rules of Procedure, the Presiding Officers are finding it increasingly difficult to contain disorder inside the House. Sometimes such incidents happen spontaneously while on other occasion these are result of a planned strategy.

This is a serious problem and the Presiding Officers cannot resolve it all by themselves. It would require concerted and coordinated efforts from Presiding Officers and the Leaders of all the parties, including the Opposition. A Conference regarding this was held in September, 1992 in New Delhi. A Resolution to uphold the dignity of the House was also passed by the Lok Sabha in its Special Session on the occasion of the Golden Jubilee of Indian Independence in 1997. The issue was also discussed during the Presiding Officers' Conference in 1996 and during the latest one held in Chandigarh in June 2001. The intention had been to make the members, parties and their leaders see reason and behave responsibly on the floor of the House. Ethics Committees to work out the code of conduct for their members have now been constituted in Rajya Sabha, Lok Sabha, and a few States including Himachal Pradesh. I hope the recommendations of these Committees would go a long way in improving the environment inside the House which is a long cherished desire of the well meaning citizens.

The Presiding Officers have to face a great difficulty when it comes to time management in the House. At times, matters of urgent public importance are incredibly large in number and often unquestionable in their gravity. Members, naturally, clamour of projection of their problems on the floor of the House. The Presiding Officers have to resort to business management and transacting business through consensus. The Business Advisory Committee is a device to build up consensus and hence it should be taken recourse to as frequently as needed.

Orderly conduct of business in the House would suffer from a serious inadequacy if Private Members' Business, whether in the form of bills or resolutions, is not taken seriously. Private members' Business should be provided considerable sanctity in a parliamentary democracy. It is infact as important as Government business, if not more. The objective served through the mechanism of Private Members' Business, is obtaining an opinion of the Legislature on matters of urgent public interest. The Treasury side should co-operate and extend special attention to Private Members' Business.

The increasing disorder on the floor is not due to any lack of rules but for many extraneous reasons. Tolerance is a basic tenet of democracy. Among other things, democracy demands self-discipline of a very high order. It demands a high degree of democratic temper also. The ability to work with others, especially with those with whom we differ on an ideological plane, is the best test of our democratic credentials.

Laudable resolutions by the highest Legislative Body/Bodies of our country have already been passed. Comprehensive rules, practices and conventions to guide the functioning of representative institutions too are there. Even then, we continue to witness many unsavoury happenings in one Legislature or the other. Every Legislature frames its Rules of Procedure so as to ensure smooth transaction of the business of the House. These rules clearly lay down the ways and means of raising issues and for transaction of business. Though the freedom of protest is also a weapon in the hands of the members to put forth their view points and raise matters of urgent public importance in the House, this needs to be resorted to sparingly and with restraint and dignity. The increasing disruption of the proceedings, frequent suspension of the Question Hour, rushing to the Well of the House, sometimes even threatening the Presiding Officers, etc.

need to be stopped immediately. I feel that if every Legislature follows the Rules of Procedure and healthy parliamentary conventions, sincerely and in letter and spirit, there will hardly be any problem or disruption in the House proceedings and the Legislatures will become cherished, model democratic institutions. For this, all of us will have to strive unitedly and concertedly.

SHRI MUSHTAQ AHMED LONE* $

The issue of discipline and decorum in the House has been, of late, a matter of concern for all of us due to the unruly scenes witnessed in recent past in Parliament as well as the State Legislatures. The situation is quite an alarming one. The problem posed by the unruly and unethical behaviour is a multi-dimensional one and the strategy to tackle and combat the same has to be multi-pronged. At the very outset, I must say that the breath and sole of our system of governance is the Rule of law, and the Constitution being the organic law, requires us to live by and ensure Rule of Law. It equally holds good in respect of orderly conduct of proceedings of the House. Great institutions take root, develop and progress if there is life and vitality in them. It is for bringing this life and vitality in Parliament that members enjoy certain freedoms, including the freedom of speech in the House.

In order to appreciate the problem in its correct perspective, it is deemed necessary to give a brief resume of the genesis of the rights enjoyed by members in the House. Article 105(1) of the Constitution provides that, subject to the provisions of the Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament. Clause (2) thereof provides that no member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any Committee thereof and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament, of any report, paper, votes or proceedings. Further, clause (3) of the said Article ordains that the powers, privileges and immunities of each House of Parliament, and of the members and the Committees of each House, shall be such as may from time to time be defined by Parliament by law, and until so defined, shall be those of that House and its members and Committees at the commencement of the Constitution.

The seeds of parliamentary procedure had begun to be sown in the native soil, resulting in to a firm take-off point by the time freedom dawned. The adoption of the House of Commons as a model for certain undefined privileges was desirable, as India had become a new democracy with the advent of freedom, and conventions evolved by the British Parliament after a long experience could be of much help till the constitutional practices had crystallized into a sufficiently authoritative body of practices. Thus, the British gave India not only a parliamentary system of government but also left an imprint on its parliamentary privileges. These privileges are granted to enable the Parliament to maintain the dignity and to discharge the duty which the Constitution enjoins on it. It is wrong to assume that these privileges are some special favours which enable the members to ignore the ordinary law. It is a very necessary protection without which a member could not defend his elector's own interest. It can, therefore, be safety regarded as the privilege of every citizen. Jowit has rightly described a privilege as an "exceptional right or advantage; an exemption from some duty, burden, or attendance, to which certain persons are entitled, from a supposition of law that the stations they fill or the office they are engaged in are such as require all their care, and that, therefore, without this indulgence, it would be impracticable to execute such offices advantageously as the public good requires." (*The*

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Dictionary of English Law (1959 Edn. p. 1409). Article 118 of the Constitution empowers each House of Parliament to make rules for regulating subject to the provisions of the Constitution, its procedure and the conduct of its business. In the matter of their privileges, they have to observe certain rules of procedure and norms and behaviour in the House. Section 72 of the Constitution of Jammu and Kashmir guarantees all such rights to the members of its State Legislature.

Parliamentarians have to do the best things and work for the best interests of the people, and not for themselves. This is the time for introspection and see whether we have come up to the expectations which the founding fathers of the nation had in their successors. For this, we need not be philosophers but students of modern India with the required degree of objectivity to realize that the situation we face now is the result of the working of the system. As parliamentarians, the following words of the 18th Century Irish philosopher and statesman, Edmund Burke must always echo in our minds and remind us of our noble cause:

> "Parliament is not a Congress of ambassadors from different and hostile interests; which interests each must maintain, as an agent and advocate against other agents and advocates; but Parliament is a deliberative Assembly of one Nation, with one interest, that of the whole; where, not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole."

The experience of the recent past shows that various political groups have shown no inclination to sink their respective individualities in a larger whole. Each group is intensely zealous of its collective existence. The fault does not lie in the system. The quality of men who operate system cannot be overlooked. Dr. Ambedkar had long back cautioned that: "By independence we have lost the excuse of blaming the British for anything going wrong. If hereafter things go wrong, we will have no body to blame except ourselves."

It is evident that a good deal of deep thinking shall have to be done if parliamentary democracy is to be of the form and quality envisioned by the framers of the Constitution. Parliamentary institutions are to be strengthened by according the Opposition, their right place and ensuring their fuller participation in parliamentary life. It is the desire of every member to ventilate grievances and he should be accommodated within the Rules of Procedure. Politics should not take precedence over propriety and every member has to keep it in mind. Although dissidence is a vital ingredient of a healthy democracy, we have to maintain the decency and dignity of the House. All sections are equally responsible for upholding and promoting the parliamentary ethic. We should not transform ourselves from elected and accountable politicians into self-serving tycoons. Mere paper perfection is not sufficient. A Constitution is what it does, not what it professes. Hence, whatever is the best administered, is the best. Parliament has to play a very vital role in attaining higher and higher standards of conduct in public affairs. The search for good governance is endless. The only requirement for good governance is to attract in to Parliament, good people with good intensions rather than people intent on robbing the State or seeking a privileged position. Parliamentary institutions have 'miles to go' and 'promises to keep'. Criminalisation of politics has caused degradation of moral values which in turn has resulted in degradation of democratic institutions as well as democratic traditions. It is an established fact that no Assembly can function without observing some basic rules of orderly behaviour. It is, therefore, the duty of every member of the House, the political parties and the Whips to ensure that necessary parliamentary discipline and order is maintained and the House functions properly. The failure on their part will result in unruly behaviour in the House which shall lower its dignity and esteem in the hearts of the common masses.

It is primarily the responsibility of party Leaders and Whips to ensure that members do not raise slogans, wear badges, display flags or come to the Well as a measure of protest and stage any *dharna* or demonstration there. Members should be constantly reminded of their responsibility in maintaining the decency and decorum of the House by exhibiting an orderly conduct and behaviour which is pivotal for sustaining the parliamentary system of governance. They must be acquainted with the Rules of Procedure and their obligations. As a wise man has

rightly observed, "a man may be a little less than an Angel but he has not yet shaken off the brute in him." He must use his parliamentary privilege while speaking on the floor of the House in public interest.

It is the duty of the Speaker to preserve the orderly conduct of debate by repressing disorder when it arises. In the discharge of this onerous task, he should rise above party politics and remains the representative and custodian of the House itself in its powers, privileges and dignity. It is to be ensured that freedom of speech is not turned into a license by any member of the House. It is essential to prevent misuse of freedom and the consequent undermining of the smooth functioning of the House. The Apex Court has held:

> "The immunity is not only complete but is as to should be....what they say is only subject to the discipline of the rules of Parliament, the good sense of the members and the control of proceedings by the Speaker. The Courts have no say in the matter and should really have non"—(Tej Kiran) *Vs.* N. Sanjiva Reddy AIR 1970 SC 1573).

The House is the final authority to decide as well as award punishment in case any privilege is disregarded or violated by any member. However, actions which are an affront to the dignity of the House can be termed as contempt of the House which include acts or omissions which obstruct or impede the House or any member of the House in the performance of its functions. Suspension and expulsion of members are resorted to in such extreme cases—the former being disciplinary in nature and the latter remedial.

Speakers, are, at times, at great pains to see that there should be no disorder. The question of enforcing order has become one of the most vital and important tasks of the Speakers. If a member steps beyond the limits imposed on his liberty to speak by the Constitution or the Rules of Procedure, it is a matter to be dealt with by the Speaker or the House and not by any Court. The Supreme Court has since held:

> "It must be left to the House itself to determine whether there has, in fact, been any breach of its privilege"— (M.S. M. Sharma *Vs.* Sri Krishna Sinha, AIR 1959 SC Vol. 46 p. 398).

The evil of political defection is likely to undermine the very foundation of our democracy and the principles which sustain it. It has to be combated and needs to be addressed on priority. Members resort to undemocratic tactics and create unruly scenes in the House. Defections need to be shunned by all shades of political life as they lower the very esteem of the House in the imagination of the masses. The law has to be very strict and ensure the end of this menace of wider dimensions, capable of shattering the faith of the common man in the parliamentary form of government. It becomes all the more culpable when, on occasions, the Governors also intermeddle with Ministry making in the States and inspect parades of members of the Legislature. It would be in keeping with the high ideals of parliamentary democracy to have elected Governors who shall be commanding respect from their Legislatures which shall in turn curb the tendency of causing unruly scenes at the time of the Address by the Governor. The faith has to be restored in the system by making structural changes wherever required for the greatest good of the people and for sustaining the pillars of democracy.

The codification of the privileges is another subject which needs to be addressed by this Conference in the context of the experience of the last five decades or so. There has been some persistent talk regarding the desirability of codification of parliamentary privileges. With regard to this issue Mr. M. Hidayatullah, former Chief Justice of India who was also Vice President and Chairman of Rajya Sabha, had observed:

> "A written law may make it difficult for Parliament as well as Courts to maintain that dignity which rightly belongs to Parliament and which the Courts will always uphold as zealously as they uphold their own."

Codification of privileges may not bring any change for good. It may, on the contrary, drag the Presiding Officers in to avoidable litigation, as action under ordinary laws may become a subject matter of judicial review and open a new chapter for judicial scrutiny of the decisions of the House or its Speaker. The privileges enjoyed at present are at a higher edifice, being constitutional in nature. In M.S.M. Sharma *Vs.* Sri Krishna Sinha (AIR 1959 SC 395), the Supreme Court had also held as under:

> "It is true that a law made by Parliament in pursuance of the earlier part of Article 105(3) or by the State Legislature in pursuance of earlier part of Article 194(3) will not be a law made in exercise of constituent power—but will be one made in exercise of its ordinary legislative powers under Article 246 read with the entries referred to above and that consequently if such a law takes away or abridges any of the fundamental rights it will contravene the peremptory provisions of Article 13(2) and will be void to the extent of such contravention and it may well be that that is precisely the reason why our Parliament and the State Legislatures have not made any law defining the powers, privileges and immunities.....
>
> It must not be overlooked that the provisions of Article 105(3) and Article 194(3) are constitutional laws and not ordinary laws made by Parliament or the State Legislatures and that, thereafter, they are as supreme as the provisions of Part III."

It can, therefore, be safely deduced that there is not any urgent need to codify the parliamentary privileges. It may also be difficult to attempt an exhaustive list of the same. The form of law may not matter so much as does its implementation. The Speakers shall, however, have to act and act very firmly to curb the menace of unruly behaviour and undemocratic ways of protest resorted to in the House by any member for purposes of cheap publicity or other motivated objects. The earlier it is curbed, the better it would be for preserving the parliamentary institutions in the country as, otherwise, the image and credibility of such institutions are at stake. The political parties, their leaders, Party Whips and Leaders of Opposition in the House have to contribute their lot in curbing all manifestations of undemocratic processes and unruly behaviour or conduct at the time of President's/Governor's Address as well as during transaction of business of the House. Their active participation in this noble cause is bound to ensure the decency, dignity and decorum of the House, resulting in smooth conduct of its business in the overall national interest. The power to punish for breaches is and should continue to remain in the House/Speaker. However, each House of Legislature in the country may evolve and adopt a code of conduct and ethics which every member of the House shall be ordained to follow, the breach whereof may subject the member to such sanctions as may be provided in such code. It is more likely to bring change in the behaviour of the members which is essential for preserving and strengthening the parliamentary institutions in the country. The inner conscience of the members has also to be awakened by constantly reminding them of their duty towards this noble cause which all parliamentarians owe to the nation.

SHRI Z. LOHE* $

Of late, indiscipline and indecorum has been afflicting the functioning of parliamentary democracy in the country leading to erosion of public trust and confidence in the representative institutions. The topic before this Conference is not a new one. This topic had been discussed during an All India Conference in 1992 in Delhi. In 1996, the Presiding Officers Conference discussed this issue here in Delhi again. Significantly, the Special Session of Parliament celebrating the Golden Jubilee of Indian Independence adopted a Resolution on 1 September, 1997 resolving, *inter alia*, to maintain discipline and decorum in the House by refraining from adopting unparliamentary methods in the House. I strongly feel such a Resolution adopted by the highest representative body in the country should have been treated rather sacrosanct. However, this has not been so and as a result, we are still discussing and deliberating upon this subject again and again.

Having been in the midst of such a galaxy of believers in parliamentary democracy, I only wonder as to whether we have been sincere, earnest and honest in following whatever we have been resolving at various fora in order to make the functioning of the House more meaningful and rewarding. For indisicipline and indecorum in the House is not because we are ignorant about the Rules of Procedure and Code of Conduct and solemnity and sanctity of the occasions. Many a times, the pandemonium, disruption and stalling of the proceedings of the House are organised by various political parties. Such pre-planned disruption of the proceedings of the House cannot be tackled by the Presiding Officers alone unless all the political parties and their leaders co-operate. From this point of view, I am sure this Conference can do something concrete in containing this malaise because the Chief Ministers who are normally the leaders of the largest political party in the House or leaders of coalition partners have a very effective clout to control such misdemeanour on the part of the members under their leadership. Such organised and premeditated plan to stall the proceedings of the House, emanating from any Government proposal, decision, action or inaction, persist for hours and days together. This is different from the disruption of the proceedings of the House by some members on the spur of the moment which is always momentary and which the Presiding Officers can take care of with a little tact and understanding of the issues involved.

In regard to defiling the sanctity and solemnity of the occasion while the President and the Governors address the House under the provision of Article 87 (1) and Article 176(1), respectively, the issue should have been simple to resolve. The President and the Governors of the respective States only discharge the mandatory duty as ordained by the Constitution in delivering the Address prepared by the Executive. They are, therefore, not accountable for its contents. By disturbing and even not allowing the President and the Governors to perform their constitutional duties, are we not breaching the oath that we all take while we first enter the House after, having been elected by the people? We all take oath swearing in the name of God or affirming solemnly "to bear true faith and allegiance to the Constitution of India". When this constitutional requirement is well known to all of us, are we not disturbing or even preventing

*Speaker, Nagaland Legislative Assembly.

the constitutional functionaries from performing their constitutional duties in breach of our oath? It is never out of ignorance but deliberate and knowing fully well we do what we are not supposed to do. So let us orient ourselves to be honest, upright and faithful to the Constitution under which we all function.

It is pertinent to recall the All India Conference on this subject held in Delhi in September, 1992 which, among other things, also suggested that Regional Conferences may be held in the country involving largely the State legislators to discuss and deliberate as to how State Legislatures can function more orderly and in a meaningful and effective manner. In the North Eastern Region covering eight States with 498 MLAs and 39 MPs, we set up a forum under the nomenclature "North Eastern Region Commonwealth Parliamentary Association" (NERCPA) in 1996. This forum has been organising annual Conferences in the capitals of the member states in the region on a rotation basis and so far we have had five Conferences. The next Conference is going to be held sometime in May, 2002 in Itanagar, capital of Arunachal Pradesh. This Conference has been deliberating upon various socio-political and economic issues that have been plaguing the region and for their solution in an integrated manner. I, as Chairman of the NERCPA, will make it a point to place the decisions/resolutions emerging out of this Conference for the appraisal of the legislators of the eight NER States during the next NERCPA Conference at Itanagar.

Having traversed the path of parliamentary democracy for the past 54 years, India is known throughout the globe as a mature and resilient democracy. And it is a matter of pride and satisfaction that many fledgling democracies in the world are looking towards India for inspiration and guidance for effective and efficient functioning of democracy in their countries. This being the standing that India has occupied among the comity of nations, indiscipline and indecorum and stalling the proceedings of the House are indeed a sad commentary on our parliamentary democracy. We all must relentlessly endeavour to defeat this decisively.

SHRI O. PANEERSELVAM* $

The State of Tamil Nadu has had a tradition of display of exemplary conduct by the members in the Legislature right from 1957 and even during the pre-Independence times. Many stalwarts like Thiru C. Rajagopalachariar, Thiru S. Satyamurti, Thiru T. Prakasam, Thiru K. Kamaraj, Thiru C.N. Annadurai and Dr. M.G.R. have adorned the Tamil Nadu Legislative Assembly and the Legislative Council at various times during their illustrious political career and have made immense contribution to the enrichment of the conduct of legislative business over a period of time in Tamil Nadu.

The paramount importance and supremacy attached to the entities of the Legislature, namely the Parliament and State Legislatures need no reiteration. It is an indisputable fact that the powers vested in these supreme bodies in the democratic set up, in which the will of the people gets sanctified into laws have to be preserved at any cost. The responsibility for accomplishing this onerous task squarely rests on the shoulders of the representatives of the people, namely, the legislators. There is no denying the fact that the quality of the House depends very largely on the quality of the legislators. The members of the Legislatures of the States and the Centre by virtue of their role as the creators and the custodians of laws, have necessarily to be epitomes of good conduct, desirable virtues and impeccable behaviour. These traits are expected of the legislators by the people who elect them to such responsible positions.

However, no Legislature has been free from instances of aberrations of this code of conduct expected of the legislators. In the Tamil Nadu Legislative Assembly and the Legislative Council, in the past, there have been occasions when the question of observance of decorum and discipline in the Legislature had often taken a back seat.

At this juncture it is worth remembering what Gandhiji once said: "I have always derived my politics from ethics". Good governance exemplifies the highest moral values. Indifference to ethical values is an open invitation to mis-governance. No law, however laudable it may be, can be any good, if a man in public life is found wanting in honesty. In order to maintain the highest traditions in public life, members of representative bodies are required to observe a certain standard of conduct both within and outside the House. In a democratic governance, persons in authority should use their power for the good of the masses and not for self-aggrandisement. They are, therefore, required to maintain the highest standards of integrity, probity and rectitude.

The Address by the Governor is supposed to be a statement of the policy of the Government and the Governor delivers his/her Address in his/her capacity as the Head of the State. This solemn occasion should, therefore, be marked by dignity and decorum. Any act or disturbance on the part of a member which mars the dignity of the occasion should be dealt with severely.

The Tamil Nadu Legislative Assembly Rules clearly state that when the Legislative Assembly is assembled under Article 175 or Article 176 of the Constitution, no member shall obstruct or

*Chief Minister, Tamil Nadu.

interrupt the Address, either before or after the Address or during its duration with any speech or point of order or in any other manner and such obstruction or interruption shall be regarded as a gross breach of order of the House and shall be dealt with by the Speaker as such at the next sitting of the Assembly.

In spite of the in built devices in the Rules of Procedure, members often raise certain issues and create disorderly scenes inside the House. The steep increase in undesirable incidents taking place in the State Legislatures during the past few decades are indicative of the fact that the dignity of the representative institutions elected by the people is getting eroded day-by-day. The incidents of *dharnas*, slogan-shouting, rushing into the Well of the House not leaving the House after being named by the Chair or suspended by the House, using offensive and unparliamentary expression, etc. are some instances impinging on the trust and faith of the people in the entire democratic system.

However, I hope that with the world being constantly under threat from fundamentalist and terrorist forces during this 21st century, a new beginning will certainly have to be heralded in India, by which the Legislatures of the States and the Parliament at the Centre would realise their unique role in shaping the destiny of the nation and its people, and conduct themselves in a manner expected of them by the Constitution. India, being a vibrant democracy, with its people being ever vigilant about the activities of the legislators, will exert pressure on them to keep up and maintain the highest traditions of integrity and probity in public life and in the process make the Legislatures not only symbols of power and glory, but also effective instruments of social change.

SHRI KESHAB MAJUMDAR* $

Improvement in the matter of discipline and decorum in the Parliament and the State Legislatures should be our constant endeavour in order to attain more and more perfection of parliamentary democracy.

In fact, the topic of today was discussed in the year 1992 in a similar All India Conference. But unfortunately there has been no substantial improvement of the position since then.

The Legislatures of our country, by and large, are educated and responsible and they are mature enough to realise the importance of the maintenance of discipline and decorum of the House. So, the frequent instances of indiscipline and disorder as well as indecorous behaviour as are being seen indicate that the real cause of such instances are not primarily and exclusively attributable to the immaturity or lack of responsibility of the members in general. But there are many other reasons behind it. Therefore, the idea that formulating an exhaustive code of conduct for the members will solve the present day crisis, is not fully correct.

The Legislators are elected by the people and thus the people are the supreme authority in a democratic country. Therefore, the people, *i.e.*, the electorate, has a responsibility and statutory duty to elect the right type of candidate to represent their constituency in order to ensure that the Legislatures can function properly and most effectively and the members thereof can discharge their duties in the best possible manner so as to fulfil the aspirations and expectations of the people. Since the majority of the members are elected on the tickets of one or the other political party, indirectly the political parties inherit the responsibilities of the general masses in ensuring that they give nominations to the most able and respectable persons as candidates. This would enhance the dignity of the Legislatures and most of the avoidable and undesirable disturbances now-a-days faced by the Legislatures can be minimised. The past history of our Legislatures is certainly glorious and we should all sincerely try to restore that position. Thus, in my view the Resolution which was adopted in the earlier Conference of 1992 to the effect that the political parties should evolve a code of conduct for their Legislatures and ensure its observance by them was very proper, meaningful and, if followed, would solve the present problem to a great extent.

Further, it is necessary that the existing Rules of Procedure and Conduct of Business, particularly those relating to ethical matters as well as conduct of members inside the House, should be followed strictly by the Presiding Officers in words as well as in spirit and they should be supported by all the members while taking any action under these rules against any particular member or members in appropriate cases. If necessary, the existing Rules of Procedure may be suitably amended on a common line adopted throughout the country.

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SHRI SAMPAT SINGH* $

Legislatures are undoubtedly important forums for holding healthy discussion in a democratic manner. This can take place only if rules, procedures and conventions are followed. For ensuring the firm belief of people in democracy, we should be cautious about our behaviour and conduct in the Legislatures.

In view of growing challenges posed by violence, terrorism and secessionism to the unity and integrity of the country, it is the responsibility of the Parliament and State Legislatures to work for strengthening our nation and to facilitate effective and meaningful debate on important issues.

During the Address by the President and the Governors, supportive measures are quite relevant for maintaining discipline and decorum. It includes adherence to rules, conventions and decorum by the members and convening a meeting of the Leaders of all political parties before commencement of the Session. Political parties and their leaders can play an important and effective role in maintaining dignity of the House by impressing upon the members in party meetings not to interrupt the Address of the President or the Governor. The members should be made to understand that maintaining discipline and decorum during the Address is in no way a restriction on their right to debate, oppose or dissent, but it is a parliamentary rule to enable the President or the Governor to discharge his constitutional obligations.

The members should raise meaningful issues as per the rules and procedure of the House. They should maintain the dignity of the House. In order to maintain the dignity and decorum of the House, it is necessary that no member should shout slogan, sit on *dharna* or *satyagrah* in the House. Apart from that and as per parliamentary decorum, no member should use satire, sarcastic words, harsh and derogatory remarks.

Earlier, 'walkout' was a way of expressing opposition on any issue and that too was used very rarely. If ever a situation for walkout was created, the Ruling Party used to make efforts to prevent such a situation. If even then a walkout was staged, it was taken very seriously. Now-a-days walkout is resorted to in a casual manner like a kid's play, with members 'walking out' and 'walking in' just after a minute. Therefore, we should make efforts to curb such a practice.

Similarly, there is another trend increasingly witnessed in Legislatures which used to be a very rare sight earlier. It is the tendency of rushing into the Well of the House on petty issues and within minutes the House turns into a battlefield. If a member wants to speak, he should do so from his seat. Rushing into the Well of the House by the members should be taken seriously. Every party should see to it that such things do not happen.

Today, indiscipline is increasing in the House. This increase does not mean that there are no rules to check it. It has happened so just because those who are duty bound morally to protect the democratic institutions are not observing basic principles of democracy due to their vested interests. If those who take oath to protect the Constitution and Government institutions work seriously, then there won't be any trouble regarding law and order.

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Democracy needs discipline at a large scale. It demands high standard of discipline among people and their representatives, ability to work with a team spirit, due regard for the views of other people, even for the views of those with whom there are ideological differences and sacrifice of one's own wishes in defference to the wishes of the people. We may enact a number of rules but these rules will prove futile as long as we do not change our attitude.

Political parties can play an important role in maintaining discipline and decorum in the House. It is their bounden duty to impress upon their members in order to ensure smooth, meaningful and dignified conduct of the proceedings of the House. For achieving this purpose, political parties should inculcate the feeling of discipline among their rank and file. The parties should see that members are carrying out their legislative work seriously and they should remain present regularly during the sittings of the State Legislatures.

Proper training of parliamentary affairs is necessary for maintaining for discipline among the legislators. Concerned State Assemblies should take the responsibility of familiarising the newly elected members with the functioning of the Legislatures. For this purpose, the services of the senior members of Parliament and retired as well as serving officers of the Legislature can be utilized.

The Speaker has a vital role to play in maintaining discipline in the House. He should be impartial and balanced and should not lose patience while conducting the proceedings of the House. While running the House, the Speaker should neither be too liberal and soft nor very rigid.

If members do not show due respect to the Speaker then he will not be able to conduct the proceedings of the House smoothly. The members should obey the orders of the Speaker.

All the parties should evolve measures for the election of the Speaker by sitting together and ensure that as long as the Speaker desires, he should continue in his office and the House or the Legislative Assembly should elect him automatically.

Press can also play a vital role in creating a healthy atmosphere in the Legislatures. Going by the experience gained so far the members believe that instead of participating in the healthy debate they can be in the news by creating noise and indiscipline in the House. Therefore, it should be the responsibility of the Press that they should report the news about the proceedings of the House or Legislatures without taking any notice of the noisy and disorderly scenes.

Parliamentary system has been functioning in our country for more than fifty years. We can feel proud of system in many ways. Though this system has got certain shortcomings yet they do not lessen its importance and success. Parliamentary form of government is the best system of governance.

SHRI MATBAR SINGH KANDARI* $

The Lok Sabha and the Rajya Sabha at the national level and the Legislative Assemblies and the Legislative Councils at the state level occupy a place of special importance. These are the Houses where various laws are enacted for the country and the states respectively and Budgets, Demands for Grants and Demands for Supplementary Grants are passed for the work of development. On the one hand, the Ruling Party sets the direction for the country and the states based on its policy and on the other, the Opposition Parties do not miss any opportunity to expose the Government on their wrong policies. The members of Parliament and the State Legislatures also raise and discuss the problems relating to their constituencies in these Houses and pave the way for finding a solution thereto by the Government. Achievements and shortcomings of the Government and the administration are also discussed in these Houses and strategies for keeping a check on the bureaucrats and accelerating the pace of developmental works are also formulated. The members put Short Notice Questions, Starred and Unstarred Questions during the Question Hour and thereby raise the problems of their respective constituencies. Efforts are made to find solutions for the burning issues related to the country and the states during the Zero Hour. A number of important subjects are also raised in public interest in these august Houses, through discussions on the Matters of Urgent Public Importance, Adjournment Motions and Motion of Breach of Privilege.

But now a days, the proceedings of the august Houses are interrupted due to pandemonium, stalling of the proceedings, use of unparliamentary language in the House, speaking without the permission of the Chair, interrupting others' speeches, rising from the seats, rushing towards the Chair, disturbing the Speaker, the leader of the House and the leader of the Opposition when they are on their legs, not allowing the Question Hour to be conducted, making wrong submissions under irrelevant rules during the Question Hour, not speaking at the appointed time, discouraging new members, creating interruptions during the Address by the Governor, throwing paper balls or copies of the Address towards the Chair, not following the directions of the Speaker and wasting the valuable time of the House by discussing unnecessary topics, etc.

I would like to suggest that stringent rules should be framed for conducting the House smoothly by making amendments in the Rules of Procedure and Conduct of Business in the Lok Sabha and the Legislative Assemblies. The Ruling Party and the Opposition are complementary to each other. They should work as a team. A code of conduct should be evolved for the members. All the members should strictly adhere to the code of conduct so evolved. Rushing to the Well of the House should be banned and none of the members should rise from his seat. Rushing towards the Chair and throwing of papers should be treated as an offence. None of the members should speak without obtaining prior permission from the Speaker. Strict rules should be framed for this purpose.

When any member indulging in unruly behaviour or misconduct is physically removed from the House by the Marshal on duty, it is taken in the lighter vein. It should be treated as a serious offence. A rule should be framed to terminate the membership of such a member who interrupts

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the proceedings of the House or rushes to the Well of the House or stands up or throws any piece of paper towards the Chair or indulges in misconduct. Sometimes there is no quorum in the House, therefore, all the members should compulsorily be present in the House. The proceedings of the House are telecast by *Doordarshan* and if there is pandemonium, slogan shouting and unruly scenes in the House, it does not send a good message to the public. This should also be pondered over.

During my long political career, I have experienced that if we express our views in the Legislative Assembly effectively and logically, it definitely leads to the solution of the problems in the interest of the people. If we go through the old debates of Legislative Assembly, we will find that our erudite members at that time, not only strengthened the State but also strengthened our democracy by expressing views based on logic. It is because of this that our democracy is one of the powerful democracies of the world today. But I feel that in the last few years, there has been a decline in the desired level of participation of members in the House. Members who are newly elected and who do not get opportunity to express their views or are given fewer opportunities and as such, they cannot contribute much to the proceedings of the House. Therefore, I am of the opinion that the same rights and opportunities should be given to the newly elected members as are given to the senior members in the House, since both are representatives of the people and both raise issues of public interest in the House. I, therefore, suggest that there is a need to frame some stringent rules to keep a control over such members who rush to the Well of the House on trifle matters, indulge in unnecessary interruptions and create unruly scenes in the House, so that the valuable time of the House is not wasted. It has also been seen that a complete discussion is not held on the Budget in the House and sometimes Budget is passed without discussion. This is not in public interest. The Governor is interrupted during his Address. At times such unbecoming conduct like tearing the copies of the Address and hurling the paper balls made out of it towards the Chair, is also witnessed. It does not send a good signal to the masses and the image of the representatives of the people is tarnished. In my opinion, there should be a strict control on such conduct of members so that they do not take the House lightly and the dignity of the House is maintained and simultaneously the business of the Assembly is carried out smoothly.

SHRI DAVID SIMEON*$

The first All India Conference of Presiding Officers, Leaders of Parties and Whips on 'Discipline and Decorum in the Parliament and State Legislatures' was held in New Delhi on 23 and 24 September, 1992. The Conference of Presiding Officer of Legislative Bodies held in October 1996 in New Delhi also adopted the following resolution:

"Conduct of the legislators inside and outside the House has come to be considered as a matter of very serious concern by the people in general. This has very grave implications for the dignity of the Legislatures and the future of the democracy. In this context, the constitution of Ethics Committees by Legislatures for ensuring basic standards of probity of the members should be examined with special reference to the establishment of such institutions by Legislative Bodies elsewhere in the world".

In pursuance of the said Resolution an Ethics Committee of the Rajya Sabha was constituted on 4 March, 1997 and the said Committee recommended the imposition of the following penalties on members who are found to have indulged in an unethical behaviour or other misconduct or for having contravened the code/rule: (a) Censure; (b) Reprimand; (c) Suspension from the House for a specific period; and (d) Any other penalty considered appropriate by the House.

Subsequently on 16 May, 2000, the Speaker, Lok Sabha constituted a 15-member Committee on Ethics under the Chairmanship of Shri Chandra Shekhar, MP. On 31 August, 2001, Shri Chandra Shekhar, Chairman, Committee on Ethics presented the First Report of the Committee on "Ethics Related Matters" to the Hon'ble Speaker, Lok Sahba.

The Committee, in their report, have recommended that all existing norms of ethical behaviour for members as provided in the Rules of Procedure and Conduct of Business in Lok Sabha and Directions by the Speaker, be strictly enforced. The Committee, apart from recommending observance of certain general ethical principles by members, have also recommended procedure for making complaints relating to unethical conduct of a member and norms regarding financial disclosures/declarations of interests by members. As in case of the Lok Sabha and Rajya Sabha, the State Legislatures should also formulate Ethics Committees for ensuring discipline and decorum in the State Legislatures.

Disturbances during the Address by the President/Governor, the growing incidents of indiscipline, disorder and indecorous behaviour by members on the floor of the House are a matter of general concern. In spite of the in-built devices in the Rules of Procedure and the powers and authority vested in the Presiding Officers, they find it increasingly difficult to contain growing disorderly scenes inside the Chambers.

The main reason is that in spite of opportunities available to members under various procedural devices, they try to raise issues which agitate their minds without the permission of the Chair and sometimes even by interrupting the proceedings of the House. They also try to raise issues in the garb of point of order or by way of clarifications from the Ministers on statements made

*Deputy Chairman, Karnataka Legislative Council.

by them, or ask the Chair to direct Ministers every now and then to make statements on issues which they feel are urgent. Members should use the available procedural devices to raise matters and cooperate with the Chair in ensuring the smooth transaction of business. In case procedural devices are found inadequate, new procedures could be suggested for consideration by the Rules Committee/House. This would give more opportunities to members to speak.

Members may also feel frustrated if they, particularly those belonging to the Opposition parties do not get adequate time to raise matters they want to. Therefore, while transaction of Government business is necessary, reasonably adequate time for private members and the Opposition parties should be provided, if not already available. With this end in view, wherever necessary, the number of sittings could be stretched up to 110-120 days in a year.

The political parties, their Leaders and Whips can play a crucial role. They can orient their members for positive behaviour and even discipline them. If there is unruly behaviour by a member, the party may even consider censuring him/her. The Whips of the parties also may extend greater cooperation to the Chair in maintaining discipline and decorum.

Whatever may be the compulsion, political or otherwise, for raising pressing issues on the floor of the House, members should do so within the ambit of rules, practices and procedures and must maintain the prestige and dignity of the parliamentary institutions. The decorum and dignity of the House require that no member should shout slogans of any kind, sit on *dharna* or observe *satyagraha* in the pit of the House. Besides, parliamentary etiquette demand that words containing insinuation and offensive and unparliamentary expressions should be avoided. A member should also not obstruct proceedings, or interrupt when another member is speaking.

While a member's cooperation is the primary requirement for the observance of these rules, the Presiding Officers have a significant role in the maintenance of order, discipline and decorum in the House. The application of rules to the situational context is of equal importance while the Presiding Officers should stick to rules, adroitness in application of rules is very crucial. While controlling the House, Presiding Officers should not lose control on themselves. They should be poised and fair-minded and apply the rules even handedly to the members belonging to the Treasury Benches and to the Opposition.

Needless to say new members have to be groomed through proper training and orientation programmes. Legislatures, therefore, should have training centres for their members. Eminent parliamentarians, senior and experienced members as well as former members can be invited to give talks and lectures to the newly-elected members. Video-recorded speeches of Presiding Officers and senior parliamentarians on different subjects of parliamentary interest, including questions, budget and legislation, etiquette and manners can be very useful for the newly-elected members for better and effective performance. These video-recorded speeches may be both in English and Hindi. Through these video talks, the experiences of the Presiding Officers and senior parliamentarians could be made available in all our Legislatures.

Some suggestions to improve the situation are as below:

- Prescribe minimum educational qualification for the membership of the Legislature, say a university degree;
- Bar entry of a person with criminal record, even if he only stands charge-sheeted and the Court has found a *prima facie* case;
- Bar, by common counsel, any political demonstration inside this House to assure orderly conduct of business. This would depend largely on the Government being more sensitive to the mood of the Opposition and its readiness to hold parleys and, if necessary, with the Presiding Officers acting as the honest intermediary; and
- Increasing the number of days of sittings of the Legislature to at least 150-180 days in a year.

SHRIMATI SHEILA DIKSHIT* $

Till a few years ago, the problem of frequent adjournment of the House due to pandemonium and disorderly scenes was confined only to the State Legislatures. It is unfortunate that the malaise has now in infected even our highest law-making body. With the proceedings of Parliament being telecast live and people of India watching in their drawing rooms, the action and activities of their elected representatives whom they have chosen to shape the destiny of this nation, their faith in the democratic system itself is dwindling. Hence, there is an urgent need to stem the rot.

A Legislature is a forum for discussions and debates. It is a forum through which the hopes, urges, expectations and even frustrations and deprivations of the people get reflected. Therefore, some shouting, some frayed temper are signs of its life and vitality. After all, a Legislature is a living and throbbing institution. But the problem arises when abuses are hurled, slogan-shoutings are resorted to blows are exchanged, Assembly furniture is broken and the Presiding Officer is gheraoed.

In this backdrop, the initiative taken by the Hon'ble Speaker, Lok Sabha to evolve a code of conduct for legislators is indeed timely and laudable. It is heartening to note that the task of drafting such a code of conduct has been entrusted to a Committee consisting of some of the senior and seasoned parliamentarians of the country representing cross sections of our polity. The code of conduct, it is hoped, would be acceptable to all parties. This I say so because notwithstanding differences in our philosophy, approaches and perceptions, there is a commonality of view that the parliamentary system is the best suited for our country and it needs to be further strengthened. In this connection, I have a few suggestions of my own which I would like to place before this august gathering:

- The Address delivered by the President to Parliament and by the Governors to the State Assemblies in their capacity as Head of the State should in no case be disturbed. While doing so, these constitutional functionaries only discharge their onerous obligations as contained in the constitutional provisions. There should be a deterrent punishment for those violating the solemnity of such an occasion;
- Our rules should contain a provision to the effect that members trooping into the Well of the House would automatically stand suspended;
- The inviolability of the Question Hour must be maintained and it should not be suspended on trivial issues unless there is a real emergent situation and a general consensus among all sections of the House in this regard;
- Although the rules provide for giving of advance notice to the Speaker and the Minister concerned before levelling any allegations against a Minister, the provisions are not strictly adhered to in all cases and the Houses are often thrown into turmoil leading to pandemonium and adjournments. Hence, there should be meticulous observance of this rule;

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After the conclusion of each Session, a written note in a sealed cover should go from the Speaker of the House to the erring members whose behaviour or conduct was found wanting, drawing their attention to the specific acts of omission and commission on their part and advising them to cooperate and exercise restraint in future.

Ours is a federation of Union and States. As per the scheme of the Constitution, there is a clear-cut demarcation as to the subjects over which the Parliament has the jurisdiction and those falling within the jurisdiction of the States. Problems sometimes arise when matters which primarily concern the State Legislatures are sought to be raised in Parliament. Likewise, the appropriate forum for raising issues relating to national policies and Central subjects is not the State Legislatures but the Parliament of India. If the political parties apprise their respective members of the correct constitutional position, it will not only save the precious floor-time but a lot of heat from our legislative Chambers would also automatically evaporate; and

Those of the members who meticulously observe parliamentary etiquettes and rules of debate should be suitably awarded and honoured and their contribution acknowledged. The institution of awards such as 'the Best Legislator', 'the Best Debator' or 'the Legislator of the Year', etc. can help in bringing in discernible change in the House proceedings.

SHRI OM PRAKASH CHAUTALA*$

India is the world's largest democracy. Our people belonging to various religious communities and sections of society, have great faith in the democratic system. Our Parliament and State Legislatures are the temples of democracy and the foundation of the democratic system is based on the dignity and purity of these temples and the faith that people repose in them. Our system of governance enables every individual to breathe freely, besides providing an opportunity to the society for its development in accordance with its requirements. The roots of democracy have been strengthened in the country during the last five decades. We have maintained unity and integrity of the nation even in challenging circumstances. Today, the world community pins great hopes on India.

The task of the representatives of the people has become very challenging in the present day scenario of liberalisation and globalisation. We will have to find ways and means to make the legislators more responsive to the aspirations of the people. We have to bring in more dedication, honesty, transparency and responsiveness in our work culture. We will have to present an ideal picture of the conduct of our legislators in the Houses so as to further strengthen the faith of the people in them. In this context, the dictum of *Jan Nayak* Ch. Devi Lal *'Lok Raj Lok raj se Chalta Hai'* is very relevant.

There is a need to make the debates in Parliament and State Legislatures more disciplined and cultured. Thanks to the revolution in the means of communication, millions of people watch our conduct. A few unpleasant incidents which occurred during the last few years in some State Legislatures have severely damaged the image of our parliamentary traditions. Therefore, there is a need to infuse more discipline and decorum in Parliament and State Legislatures. Our conduct in the House should assure the people that we are fulfilling their hopes and aspirations. Decorum should be maintained during debates in the House. Healthy debate can be conducted only by following the rules and traditions of the House. We have to address ourselves as to how we can further improve our behaviour, conduct and discipline in the House so as to maintain the faith of the people in these citadels of democracy.

We can succeed to a great extent in ensuring the smooth conduct of the House in case we take along the Opposition so as to maintain discipline and decorum in the Legislatures. A thanks-giving meeting should be organised after each Session to critically review the conduct of members. It is necessary because we have entered an era of politics of alliance and different political parties or alliances of political parties are in power in various States. In this scenario, the problem of lack of discipline and decorum assumes added significance. Finding a solution to these problems has now become the responsibility of every one of us.

It is very disappointing that at times members of the Opposition behave in an indisciplined and unbecoming manner during President's Address to Parliament and Governors' Address to the State Legislatures,. It is a matter of great concern for all of us. Despite ample powers to check such indiscipline, the Speakers are finding it difficult to do so. At times, scenes have been

*Chief Minister, Haryana.

witnessed in the State Legislatures in which the elected representatives have not only rebuked each other but have also indulged in scuffles. We would have to find ways and means to check such indecent behaviour.

Leaders of various political parties and their Chief Whips can play a significant role in maintaining decorum in the Houses. They should make the members understand in their party meetings that the Address to the House by the President or the Governor should not be interrupted. They should also be made to understand that in case they have any objection to any point of the Address, they can express their views during the debate on the Address. The ban on raising objection on the Address to the House is not a restriction on their right to debate. In fact, it is a parliamentary nicety to enable the President or the Governor to discharge his constitutional obligation.

In the Haryana Legislative Assembly, there is a provision wherein interruption of the Address by the Governor is treated as a contempt of the House. It would be in the fitness of the situation in the members adopt this practice as self-discipline. Framing of stringent laws in meaningless unless the elected representatives, who come to office after taking oath of allegiance to the Constitution, discharge their duties with dedication and honesty.

The members of the House should raise issues within the framework of the parliamentary conventions and dignity of the House, besides following the rules, conventions and practices. But it has been observed that the members sit on *dharna* in the Well of the House, shout slogans and practice unconventional methods in the House with a view to hitting the headlines.

It has become common practice to stage a walk-out-from the House on petty matters and return within a short time, whereas, earlier, a walk-out was a rarely used technique. A walk-out used to be considered a serious matter. The Ruling Party used to seriously negotiate with the Opposition to avoid a walk-out. Today, walk-out has been reduced to a farce.

Very often the members of the Opposition come to the House with a preconceived notion that they have to oppose the Treasury Benches. It is necessary for the Opposition to remain vigilant so as to strengthen the democratic system, but their protest should be creative and meaningful. It is not a healthy practice to oppose for the sake of opposition. I am reminded of the words of Edmund Burke who said:

> "Parliament is not a Congress of Ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents, and advocates; but Parliament is a deliberative assembly of one nation, with one interest, that of the whole; where not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole."

In my opinion, the best way of maintaining healthy conventions of the Parliament is to follow two important points. First, we should improve the standard of debate and dialogue in the State Legislatures. Secondly, we should utilise the precious time of the Sessions of the Parliament and the State Assemblies with consciousness, patience and in a disciplined manner.

The Treasury Benches should accept with an open mind, the good suggestions given by the Opposition on any issue in the House. It would enhance the dignity of the House and improve the image of the representatives of the people in the eyes of the public.

Some times, members feel that they are not given adequate time to raise matters in the House. They, therefore, become agitated. They feel that the Treasury Benches are not responsive to their grievances. The Speakers should ensure that their behaviour and conduct should be completely impartial so that all members of the House feel that their rights are being fully protected.

The Press can also play a vital role in maintaining the conventions of the House. Members feel that they would get wider coverage in the newspapers by creating noisy scenes in the

House rather than debating the issues on the basis of facts. Loud noise has completely replaced the homework which legislators should do to corner the Government with command of facts and figures.

Parliament and State Legislatures have to perform stupendous tasks. While the proceedings of the House have to be conducted with dignity and decorum, it does not imply that they must always be sombre, serious, dull and cold. It is natural that discussions on controversial issues sometimes generate heated exchanges. At the height of political passions so generated, a soft touch of humour plays a salutary role in cooling down tempers and diffusing tension and bitterness in the House. A witty remark also breaks the monotony, providing scope for a new direction in the debate and discussion.

Wit, repartee and humour are legitimate weapons in the repertoire of a legislator. But, of late, I notice a decline in their use. We know that one of the most important reasons for the British Parliament to have become a model for the rest of the world is the free play of sparkling wit and brilliant repartees. Our Parliament has kept this quality alive through the efforts of eminent parliamentarians like Acharya Kripalani, Piloo Mody, C. Rajagopalachari and Dr. G.S. Dhillon, to name a few. We must ensure that the sparkle of humour in our Houses continues to bring the eternal solvent of wit to hard and contentious debates.

Members of Parliament and State Legislatures should be imparted special training so as to improve their skill in discharging parliamentary duties. Regional Infrastructure should be developed to impart such training from time to time to the members of the State Legislatures. Training courses should be organised at least once in a year. The Lok Sabha Secretariat makes available video tapes to train officers and members of the Parliament. Such tapes should also be provided to the States so that they can show them to their legislators. The tapes based on rules and proceedings can play a significant role in acquainting the legislators with the parliamentary system.

I am told that a draft of code of conduct for our Legislators has been prepared by the Drafting Committee. Its copies should be distributed among Speakers, Leaders of various political parties, Ministers of Parliamentary Affairs, Chief Whips and Whips so that they may give their suggestions. We may convene special Sessions of the State Assemblies for this purpose or fix a day to discuss major aspects of the code of conduct. It would be better that a resolution on code of conduct for legislators be passed unanimously.

PROF. MANGALDAS PATEL* $

In a parliamentary democracy, the main function of the Houses of Parliament and State Legislatures is to oversee and control the Government administration, as Government machinery is the only apparatus through which various schemes of public welfare are implemented. In view of the larger interests of the public, it is necessary in a parliamentary democracy, that Legislatures and their Committees should work efficiently and create an impact on the bureaucracy. In the early years of our Independence, the impact of Legislature on bureaucracy was effective. Now-a-days, however, we see that the impact of the Legislatures on the bureaucracy has lessened. The sufferers in such a situation are the people at large because, as said earlier, the administration puts into action various welfare schemes. What is the reason for the lessening of the control over the bureaucracy? To my mind, one of the reasons for this situation is that the image of the Legislature has changed due to disorders and interruptions in the conduct of the Houses.

Earlier members were studious and learned and they expressed their views fearlessly and impartially, irrespective of their party affiliations. It was a pleasure to read the earlier debates as it contained a stuff of literature with stimulating arguments. All these resulted in an effective parliamentary control. In fact, they were scholars, having high respect in the society; now-a-days, the criteria has been changed and the theory of the winning candidate has been adopted by all the political parties. Nothing is seen about his previous experience in public life, character and standing in society. This is one of the reasons.

The second and important reason is allotment of time to the members. We know that some studious and educated members do hard work overnight during the Session and even then they do not get time to express their views on the floor of the House. This creates frustration in their minds and out of frustration they resolve to create interruptions in the House. This situation can be overcome if the Government decides to call one more Session during the year. This will provide opportunity to all the members to express their views.

The President and Governor being the Heads of the State, perform the constitutional duty by addressing the House. There, the member should observe utmost discipline and decorum and no disturbance should be created. Every member knows that the Address, which the Governor is going to deliver, is prepared by the Council of Ministers, and not by the Governor himself. Thus, the Governor is not responsible for the contents of the Address. Even then, members resort to disturbances. Earlier, there was the practice of exhibiting placards, etc.; in some States, an alternative Address was given by the Opposition to the Governor requesting him to read it instead of the Address prepared by the Cabinet. Now, it has reached the stage of slogan shouting and preventing the Governor from reaching the dais; this is very shameful and we all should deprecate this practice. I am of the opinion that a definite provision should be made in the rules to punish those members who resort to interruptions during the Address by the Governor.

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*Government Chief Whip, Gujarat Legislative Assembly.

There are provisions in the Rules of the Legislatures to control one member interrupting other members. It is our experience that now-a-days it is a routine matter to interrupt a member who has the floor. We know that all members will get time to make speeches even then they disturb the member who is speaking. My firm opinion is that while a member is speaking, nobody should interrupt; if somebody interrupts a member who is speaking, then the Presiding Officer should take action against that member as per the provisions of the rules. The party leaders present in the House should control their members and support the Speaker.

Another reason for disorder and interruption in the House relates to the contents of the speech of a member. Earlier, members used to make speeches relevant to the subject based on facts. Now-a-days, a practice of making baseless allegations against each other has developed. There is a provision in the rules that if a member wants to make an allegation against any other member, he has to follow the prescribed procedure. But, now, members are not following the procedure because the allegations, which they are going to make are baseless and politically motivated. In this august House, I request the leaders of all political parties to request their members to desist from making baseless allegations.

We know that in a parliamentary democracy, we all require tolerance. If we all show patience and adopt a more democratic approach, then disorders and interruptions will automatically lessen.

SHRI R.C. PANDA* $

Jadjada Charati Shrestha Statadevetara Janah
Sajat pramanam Kurute Lokastadanu Vartante;

The Bhagwat Gita tell us that a society always follows leaders—opinion makers, teachers, senior citizens—as they are the role models before the society. If the examples set by the leaders are bad society becomes directionless and as a result marches towards destruction. It is, therefore, the duty and responsibility of policy makers and administrators as modern day leaders to show some disciplined, conscientious and prudent behaviour in their legislative as well as private conduct to inspire the society. There have been frequent disruption of proceedings and forcible entry into the Well followed by violence in Legislatures result in damage to the properties of the august House. Such types of incidents have earned a bad name for the legislators in the esteem of the public. It is believed in some circles that some members resort to such unethical conduct to get political mileage and wide media coverage. This needs to be curtailed, as the youth of the country look upon the Legislatures as ideal and noble institutions.

The Legislature is the highest body in a society because it makes the policy which not only governs the social and political behaviour of a citizen but also maintains civil order and protects the citizens from external aggression. The formulation of State policy requires knowledge, wisdom and a philanthropic mental attitude. Unless the legislators make themselves principled and adaptable to a high sense of morality, the quality of legislation and governance would deteriorate, which would lead to far reaching consequences. India is a big country with a rich moral and spiritual culture where the morning begins with a prayer "Sarbe Bhabantu Sukhinah, Sarbesantu niramaya, Sarbe Bhadrani Pasyantu ma kashchit Dukhabhag Bhabet", Life as picture in the Vedas is well disciplined and very much conducive for peaceful co-existence. Though there is diversity of language, caste, creed, religion, dress and food, in many other matters India is one having a sense of cultural and traditional unity. In Pauranic days, the people of India accepted the king as an embodiment of the divine. The monarchy has been replaced by democracy with Legislature as its symbol, which reflects the will of the people and which represents the sovereign authority of the State. It is the sacred duty of the Legislature to make fair and benevolent legislation not for the majority or minority but as Gandhiji had desired for the "good of all", Law making is done through various stages in the Legislatures and policies are decided on the basis of majority concurrence which give a scope to the Opposition to examine the pros and cons of the policy formulations. The debate in the House allows the citizens to understand all aspects of State policy and, finally this policy becomes the law. Hence, it is very important to observe the proceedings in Legislatures and to introspect on our sense of responsibility and discipline.

The conduct of people's representatives is ultimately judged by the people who are the supreme authority. It is very often observed that many legislators create an atmosphere inside the House which interrupts the proceedings, some times compelling adjournment of the House which could be avoided. Many deliberations have taken place to find ways and the means to

*Deputy Speaker, Orissa Legislative Assembly.

check such deterioration. This matter was also discussed at the All India Presiding Officers Conference held at Chandigarh in June 2001. Many Presiding Officers stressed the need for framing a code of conduct for members to prevent them from creating disturbances and to eliminate interruptions and adjournments. For this, two things have to be borne in mind. Firstly, on being elected, it is the prime duty of the legislators to express the grievances of the people in the House and if one is deprived of such privilege, then interruptions/disturbances become inevitable. There is a bit of truth in it, but it is not the solution. Everybody may say that he is right but what is right and what is wrong is to be judged by a third party. Liberty should not be treated as a license to disturb and block the proceedings of the House. Hence, there must be a strict code of conduct for Legislators to facilitate democratic functioning, otherwise huge public funds spent to maintain our legislative institutions becomes meaningless.

Secondly, to err is human; no one can say that one is always right. Human nature is basically tempted to commit mistakes unless regulated, if is, therefore, seriously required to evolve a code of conduct for legislators with strict prescriptions which should be uniform and consistent for all the Legislatures in the country. Frequent interruptions and disturbances in the House, provides a dismal picture to the nation and the general public will lose its respect for our constitutional bodies. The view of some critics of the House being the "biggest talking shop" is gradually gaining more and more acceptance because of unrestrained and erratic behaviour of some members on the floor of the House Legislators should follow the teachings of the famous shloka by Manu.

सभा वा ना प्रवेष्टव्या, वक्तव्यम् वा समंञ्जसम्।
अब्रुवन् विब्रुवन वापि, नरो भवति किल्विर्षा॥

Let us rise to the occasion and accept the challenge of reforming the legislative conduct by evolving a code of conduct binding every one to the common goal—that is, to achieve tolerance quality of debate, effective discussions and pious decisions. Though conference after conference is being held on the subject and resolutions are passed calling upon members to behave in a manner that would benefit and strengthen parliamentary democracy, it has proved to be of no effect. It is high time that all those who believe in strengthening democracy and enriching debates in the House pondered over the issue and adopted definite regulations to debar an erring member of his pecuniary benefit for the day of his misconduct so that public money is not wasted for any unwanted conduct of a representative. Further, while framing a code of conduct, the major thrust is to be given to the following points: Attendance and punctuality; independent study of issues; patience to hear the other side and tolerance attitude; and respect for the Chair.

SHRI GEORGE FERNANDES* $

Is India's Parliament which represents the collective will of a billion Indians becoming an irrelevant institution? It is now common knowledge that visitors to Parliament who watch its proceedings from the Visitors' Galleries go away from the House in utter disgust at the way the parliamentarians conduct themselves in the House. If the older generation displays its disgust, the school and college-going children who come to the sanctum of our democracy with great awe and greater expectations leave the precincts of the House with a wholly lopsided idea of what parliamentary democracy is all about. If they should come to believe that this is what our democracy is, then there can be no great future for our parliamentary system of governance.

When the proposal for live telecast of Parliament proceedings was first mooted some years ago, there were two differing views expressed by the members. One section felt that live telecast will contribute to better debates and sobriety in the House, with members upholding the dignity and decorum of the House. The other section was of the view that live telecast will provide an incentive to perform to the galleries—not of the House, but in their distant constituencies, the target audience being those who elected the members. The reasoning that members on both sides gave was that public exposure of the behaviour in the House will put the members on guard and guarantee good behaviour.

Time has demonstrated that the skeptics were right. Televising Parliament proceedings has indeed contributed to making Parliament a place where debate is at a discount and slanging matches between the Ruling and Opposition Benches and often between two or more parties have become common. While members indulge in a demonstration of their lung power and block the proceedings to tell the folks back home what a valiant fight they are waging on their behalf, Ministers, ever-eager to get a little more exposure on the television across the country, indulge in long-winded replies to questions by members during Question Hour and while responding to debates.

Some leaders think that it is their duty to ask their flock to rush into the Well of the House and, worse still, to surround the Chair of the Speaker of the House in pursuit of whatever public or private agendas they may have to put on display. That they themselves sit back in their seats and watch their flock perform indicates that either they are aware that what they have asked their members to do is wrong and hence are ashamed to participate in it, or they think that they are superior characters and cannot be a part of the shouting brigade. That all this makes a mockery of the Rules of Conduct in the House and lowers the dignity of the House is something that is not their concern.

Is there no way to deal with those indulging in such wayward and irresponsible behaviour? Of course, there is. Just enforce the rules relating to the conduct of the members. The treatise *Practice and Procedure of Parliament* by M.N. Kaul and S.L. Shakdher, from whose pages several

*Union Minister of Defence.

members quote copiously whenever any knotty question has to be dealt with, and by which they swear to make their point when in doubt or to reject the argument of the other side, has more than one chapter to deal with members who do not observe the rules when they are present in the House. These rules provide for suspension from the House for a specific period as well as for permanent expulsion.

Why successive Presiding Officers have chosen not to use these rules to prevent members and their so-called leaders from making a mockery of the House and in the process lowering its dignity is an obvious question. The only equally obvious answer would be that in a nation where all laws and rules are thrown to the winds, it may be too much to expect that they will be observed in Parliament. If that would be the likely explanation, then it is all the more necessary that parliamentarians who enjoy the sobriquet of 'law makers' better be ordered to obey the rules and laws that govern their conduct inside the House and outside. It is only then that they will acquire the moral authority to frame the laws of the land and enforce them. One reason why the much-spoken corruption in public life in our country which is destroying all vitals of our nation keeps growing, is the failure of our law-makers to live by the laws they have framed.

Another factor which points in the direction of Parliament becoming irrelevant is the gradual reduction, over a period of time, of its working days. From a record sitting for 151 days in 1956, the Lok Sabha touched the nadir in 1999 when it sat for only 51 days. And when one looks at the time spent on blocking the work of the House over-some trivial issues, a situation was not there till the Fourth Lok Sabha, it does not require much imagination to realize how our elected representatives, also known as our law-makers, have succeeded in making our Parliament irrelevant.

A point may be made here that following the setting up of the Standing Committees for each of the Ministries, and with these Committees meeting at regular intervals, a reduction in the working days of Parliament was inevitable. Meetings of the Standing Committees cannot be a substitute for sittings of the House. The Question Hour, Calling Attention Notices, Half-an-Hour Discussions etc. are the members prerogatives. Reduction in working days deprives the members of these effective tools of parliamentary action, and denies them of opportunities to expose the Government's wrong-doings. On days of Standing Committee meetings, Parliament should meet from say 9.00 am to 1.00 p.m., with the afternoon and evening being set aside for the Committees.

In the just concluded Monsoon Session, there has been some movement in the direction of enforcing discipline on the members of the House. Going by past experience, it is doubtful whether it will have left any effect when the House meets for the Winter Session in November. Unless the rules of conduct are strictly enforced, the chances are that there will be further deterioration in the members' behaviour, and we may reach a stage when there will be nothing left to retrieve. Only when the following three paragraphs from *Practice and Procedure of Parliament* are observed in practice, parliamentarians will learn what discipline and decorum is:

> The House has the right to punish its members for their misconduct. It exercises its jurisdiction of scrutiny over its members for their conduct, whether it takes place inside or outside the House. It has also the power to punish its members for disorderly conduct and other contempts, whether committed within the House or beyond its walls.
>
> In the case of misconduct or contempts committed by its members, the House can impose these punishments: admonition, reprimand, withdrawal from the House, suspension from the service of the House, imprisonment, and expulsion from the House.
>
> If at any stage, the Chair is of the opinion that the conduct of a member is grossly disorderly, the member may be directed to withdraw immediately from the House. A member, who disregards the authority of the Chair or abuses the rules of the House by persistent and wilful-

obstruction of the business before the House, may be named by the Chair and later suspended from the service of the House on a motion moved by a member and adopted by the House. The purpose of 'expulsion' is to rid the House of persons who are unfit for its membership.*

It now lies in the hands of the Speaker of the House to enforce every rule in the book and restore to Parliament the majesty and dignity without which its authority, such as is left of it, will also be stripped from it.

*Kaul and Shakdher; Practice and Procedure of Parliament, Fifth Edition, 2001, pages 307-308.

SHRI JITENDRA DESHPRABHU* $

I would like to make few suggestions on the background paper on Discipline and Decorum in Parliament and State Legislatures, circulated at the Conference.

Firstly, regarding the President's or Governor's Addresses, I feel that we are not following correct procedure and, therefore, the Opposition benches tend to disrupt the Addresses when they find that the programmes and policies included are those which suit the Party in power. The Opposition members cannot just sit and tow the line of the Treasury Benches by being passive listeners to such Addresses. The elected members are responsible to the people who have elected them. I therefore, suggest that either the Addresses should be prepared independently by the President's or Governor's Secretariat or we can do away with the procedure. Let the Leader of the House announce his achievements and successes of the past year and policies and programmes of ensuing year. Accordingly, the constitution should be amended.

Secondly, in order to allow the members to vent their feelings, members should be allotted more time for debates and discussions. The sittings of the Houses should be stretched for 110-120 days. For a State like mine, it should have sittings at least for 60 days. Why at all are we members if we don't work in the House for 60 days out of 365 days.

Thirdly, the Opposition should be allowed to bring at any time matters of urgent nature, even by suspending the Question Hour. The one hour time is not relevant when a matter of urgent and overwhelming nature is before the House. It is important that the House shows its displeasure by suspending the Question Hour and discussing the issue. This way not only does the urgent matter gets highlighted by the media, but the people of the State also get informed of the issues close to their heart. I suggest that the Question Hour can be taken thereafter. What we find today is, that when demands of the Opposition are not met, they tend to agitate, shout, raise slogans, run to the Well of the House. The Speaker tries to pacify them. But there are cases when the party in power waits for such opportunity to move the motion to suspend the members. I think this is draconian. I don't subscribe to the theory that a member can be or should be suspended at all. He or she represents the people of the constituency by the democratic process of elections and, therefore, they cannot be treated as puisne Government employees.

Lastly, the Ethics Committee, if constituted in every State, will go a long way in helping the Speaker as well as the members. Today, if the members bring an urgent matter, it is left to the Speaker's discretion to allow or to disallow the same. If the matter is referred to the Ethics Committee, it will be discussed and the Committee will submit its report to the House. Adequate care must be taken to select the Chairman of the Ethics Committee from amongst the senior members of the House with sufficient standing. This Committee is already functioning in the Lok Sabha, Rajya Sabha and even in a few State Legislatures.

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*Whip, Indian National Congress Party, Goa Legislative Assembly.

Parliament must set an example in the two Houses since State Legislatures do imitate parliamentary practices. Strict rules should be framed to prevent disruption of the transaction of business in the House. Any kind of obstruction during the President's/Governor's Address should not be allowed and must be penalysed. The Opposition and the individual members having special issues to raise should be provided with opportunities to speak in the House or given audience in the Speaker's Chamber. Independent members should be given due share on the floor of the House. The present practice neglects such members. Standing Committees in the respective Houses should be strengthened and given more weightage. This will provide the members with a chance to oversee the functioning of the Government resulting in responsibility consciousness.

*Minister of Parliamentary Affairs, Mizoram.

SHRI FALI S. NARIMAN*

We have all heard why we must have discipline and decorum in Legislative Chambers. As a nominated member of the Rajya Sabha, I heartily support it. The draft Resolution has mentioned that one of the contributory factors behind disorderly conduct by members in Legislatures is the misgiving created by "the unresponsive attitude by Governments". We have been witnessing much of this. But last week we witnessed a happy departure. At the time of a Special Mention, last Tuesday, one of my colleagues complained that a premier Museum in the country (the National Museum) was proposing to sell, as a measure of financial relief the pictures of a great artist from Bengal, Nandlal Bose. He was not only a great artist but a great nationalist and freedom fighter as well. The lady member pleaded with the Minister in charge of the relevant Department (who was present in the House) to look into the matter and see that a great national treasure was not sold off because of the financial stringency of the Museum where the pictures had been displayed. The Minister of Tourism and Culture immediately responded: he did not say he will look into the matter, the frequently convenient form of answer-of-avoidance. The Minister said positively that he would see to it that the Museum found alternative sources of finance and assured the House that the precious pictures of Bose would not be sold. There we had an instance of a "responsive attitude"—on the part of the Government. I hope this attitude is not going to remain a straw in the wind and that it will herald a trend—a healthy trend—so that unresponsive attitude adopted by Government becomes a thing of the past.

Amidst all complaints about indiscipline at this Conference, let us never give the impression that we are depreciating the importance of Parliament as a political institution, or that we are denigrating the parliamentary system of government we have so deliberately and consciously adopted.

The late Mr. Melcolm Muggeridge, who edited for many years an English humour magazine (Punch), used to say that the best form of Government is "dictatorship—dictatorship tempered by assassination": what he meant was that you can never get rid of a despot, unless you shoot him but you could get rid of a government in a parliamentary system of democracy—through fair and regularly held elections. This is the greatest safeguard of our democracy. One of the distinguished members of our Parliament—Shri Piloo Mody, had gone to visit Zulfikar Ali Bhutto (who was his friend) when he was in prison in Pakistan, awaiting death sentence for murder, a murder of which it was widely believed he was innocent. Shri Piloo Mody said that in his conversation with Bhutto the latter nostalgically recalled "the noise and chaos of Indian democracy", regretting that he had made fun of it in the hey-day of political power. He told Shri Piloo Mody that the noise and chaos of parliamentary democracy, had a certain vitality and the strength and safety of numbers. No citizen's fate depended on the whims or dispensation of one man. Bhutto was right. Look around at our neighbouring countries and let us thank our lucky stars that despite all the faults and drawbacks of our parliamentary system of democracy, it has ensured in the past 52 years a peaceful change of governments—at the Centre and in the States. That, I would say, is the *discipline* of parliamentary system: and we members of Parliament and State Legislatures must only keep the *decorum* to sustain it. That I like to believe is what this great Conference is all about.

*Member of Parliament, Rajya Sabha.

SHRI P.D. ELANGOVAN* $

I would like to put my views in two separate topics. Firstly, I have the following humble suggestions to improve the conduct of business in the Houses of elected representatives, the Parliament and the State Legislatures which to my mind are one hundred percent answerable to each and every concerned citizen of our country.

- The Question Hour is the most important and integral part of the business. Therefore, we all should vow hereafter, that the Question Hour should not be disturbed or avoided at any cost on any account. It should be considered as the mandatory hour and should be given immunity from all kinds of provocation and problems occurring in the Houses.

- The very purpose of the Question Hour is not to pull Ministers but to bring the truth to light. So the concerned Minister should always adopt most careful ways and means to check that the facts supplied in response to questions tabled by the wilful members are correct. There should be a comprehensive system in every Ministry to look after this work of providing answers to the members of Parliament and State Legislatures. Any wilful hiding of information or giving of false answer will not only mislead the member concerned but also the whole Parliament which means the entire country. While answering the questions in Parliament the concerned Minister should take it very seriously and should check thoroughly to present right picture and correct facts. Over the years the Question Hour has been taken very lightly and it needs a complete rethinking and reorientation on the part of Ministers, Ministries as well as the executors of this such an important business.

- Like wise the proceedings during the Zero Hour should also be given due importance. Adequate representations for all parties should be given to raise the matters of urgent public importance during Zero Hour and for raising the matters under various rules.

- The Letters from the members regarding genuine social causes and public interests should be given top priority and must be properly replied, fully elucidating the details of the concerned subject matters.

Secondly, there are certain specific points recommended by the Committee of Privileges (11th Lok Sabha) in its report on Ethics and Standards in Public Life, which need to be strictly adhered by all the elected representatives. Some recommendations of the first Report of the Ethics Committee of Rajya Sabha also need to be implemented:

- Financial disclosures of every elected representative should be made a must and it is the fundamental duty of elected representatives to disclose their property, annual income and the sources of income.

- There is no doubt what so ever with regards to the need to curb criminalisation of politics, but there should be check mechanism to bifurcate the direct involvement and

*Leader, P.M.K. Party in Lok Sabha.

indirect involvement of all personalities with the criminal activities or to their nexus with criminals. To my mind both are illegal and such personalities with direct or indirect nexus with criminal world should not be allowed into any form of democratic functioning.

- The introduction of open ballet system instead of secret ballot is most welcome and this will insulate Rajya Sabha and Legislative Council elections from money and material gains.
- Funding to political parties should be made very transparent and donations received by any party for personal gains or institution's benefits or motivated things should be completely banned. Foreign funding should be scrutinized to the maximum and any donations from abroad for political parties with the intention of influencing the party should be banned completely.
- In fixing the upper limit for the election expenses the ground realities must be taken into account and there is a need for complete rethinking over the issue of electoral expenditures incurred by the party and by the individuals.
- The Anti Defection Law to curb the horse trading in political arena should be viewed seriously and the further amendment to the Anti Defection Law is necessary.

SHRI M.M. DANGGO* $

Why pandemonium in the House every now and then? The reason must be either the Speaker does not want a member or members to discuss the important issues or the members themselves want to raise issues which are not relevant to be discussed in the House. Hence, pandemonium. In order to bring discipline and decorum in the House, my humble submission is as follows:

- Speaker must allow important issues to be raised or discussed in the House.
- If possible, like the Hon'ble Speaker of the House of Commons, in U.K., the Speaker must be bestowed with rare privileges so that he could be impartial in his rulings.
- The Speaker must be empowered in such a way (even by amendment of the Constitution) that he can take some punitive measures against the erring members especially those who disrupt the Address of the President and the Governor and those who rush to the Well of the House. If possible *conduct certificate* for the members should be introduced. The certificate should be given by the Speaker to the members according to their conduct in conformity with the election rules. Members who obtain negative conduct certificate should be debarred from contesting in the next election.
- Every member of the House must think that he or she is a responsible member who represents his people.
- My final and humble submission is to request the Hon'ble members of Parliament to set a good example by behaving themselves in the House and thereby show to the nation and the world that our MPs are honourable.

*Deputy Speaker, Meghalaya Legislative Assembly.

SHRI PREM KUMAR DHUMAL*[$]

The Parliament and the State Legislatures constitute the head of the body-politic in India. They are the institutional embodiment of the audacious experiment in democracy launched by the founding fathers of our Republic. One of the main achievements of the post-Independence era in India is the success of our parliamentary democratic system. It shows that our people have firm faith in this system. They have worked hard to make it a success despite some difficulties experienced by them from time to time.

In the history of the world, there is no parallel to India which as a nation of such huge size, complexity, diversity and population adopted the parliamentary form of Government using democratic methods and processes for the development. We have made substantial progress in this direction. But much more needs to be done in with consolidating democracy and in solving some of the problems that confront us today.

India is the largest democracy of the world. On the basis of our own experiences and the experience of the working of democracies in many other countries, many new procedures have been evolved. There have been a number of innovations in our country. We can proudly say that our Parliament and State Legislatures are among the best in the world from many a point of view.

Some time back India had single party dominated polity. The party, which was ruling at the Centre was the Ruling Party in most of the States as well. Today, a new political situation has emerged in which we find that Chief Ministers, Speakers and Leaders of Opposition belonging to different parties are participating in the debates of national interests on common platform and participating in the conferences like this to discuss the issue of national interest. It is indeed a healthy trend to strengthen the democratic norms and parliamentary polity further.

The Parliament and the State Legislatures enjoy a place of pride in the governance of the country. Therefore, the behaviour of the legislators is watched very keenly by the people in order to maintain the highest traditions of parliamentary democracy for which India was known. Members of Parliament and State Legislatures are expected to observe certain standards of conduct. If we fail to do that, people would lose faith in Parliament or their State Legislatures. If parliamentary democracy has to flourish, democratic institutions have to be strengthened. Dissent is a democratic right, but it should be expressed through the set parameters of parliamentary norms.

The incidents of pandemonium and unruly scenes sometimes witnessed in legislatures have been a matter of great concern to all of us, particularly to all those connected with the working of parliamentary institutions. Our concern today is discipline and decorum in Parliament as well as in the State Legislatures. The subject under discussion is not new. This problem no doubt has been there earlier also, but in the recent times it has aggravated and seems to be crossing all limits of decency. What ever may be the factors responsible for it, the need of the hour is to take effective remedial measures at once.

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*Chief Minister, Himachal Pradesh.

In this Conference, we should try to evolve a general consensus on the issues, which are before us here for deliberations. At the same time, we should also do some introspection to see whether we have been discharging our responsibilities properly. Another thing that I would stress, is that we should take at least some practical and important decisions in this Conference. The Addresses of the President and Governors should be heard in silence. The Question Hour should also be conducted in an uninterrupted manner.

Generally, it has been a practice that only members of Opposition Parties disrupt the Governor's Address to express their opposition and also to gain political mileage. With the change of political scenario in the country, different parties are in power in different states. The party in power in one State condemns the behaviour of other parties in that State. Whereas the same party in other States in opposition behaves in a contrary manner. This type of double standard by political parties should be avoided for healthy growth of the democracy.

Parliament and the State Legislatures are places where national and state issues are discussed and there is every likelihood that there is going to be a disagreement on certain issues but all should be done within certain norms and limits. The political parties should observe certain self-restraint in the larger interest of the country and deliberate in such a manner that it helps in the overall development of the country and welfare of the people.

Alongwith self-restraint policy, we should also initiate certain measures to curb the misbehaviour of certain members in the House. For this, I suggest some promotive and reformative measures which can prove more relevant. Frequent personal get-togethers and meetings of the political parties, their Leaders and Whips can help in maintaining the decorum of the House. Here, I once again want to emphasise that political parties should encourage self-discipline. Besides, new and promising members of the Parliament and the State Assemblies should be given proper training through orientation courses.

I take privilege to say with pride that in Himachal Pradesh, we have succeeded in evolving certain norms for smooth functioning of the House with the help of Leaders of various political parties in the State. To give proper attention to the issues of people's interests, Committee System has been introduced and is functioning smoothly. Himachal Pradesh State Legislature is known for maintaining high traditions of House.

In my opinion, mere rules and constitutional amendments cannot solve the burning problem. But the need of the hour is to develop consensus to behave in disciplined manner, particularly, at the time of the Address by the President or the Governor or while the Leader of the House or the Leader of the Opposition is speaking. There should be uniform Rules of Procedure and Code of Conduct for the members of Parliament as well as for the members of the Legislatures in the country. Under no circumstances, the members should engage themselves in hooliganism.

Last but not the least, I conclude with the remark that the country is passing through a social, political and economic transformation. What happens in the Parliament or in the State Assemblies reflects on the society due to information revolution, especially after emergence of electronic media.

I hope, the deliberations of this Conference will be of immense use for setting up healthy tradition of Parliament and my appeal will be that these Conferences should not be made routine affairs but suggestions emerged from such deliberations should be taken seriously.

SHRI BABU LAL MARANDI* $

Some incidents have occurred in the Parliament and the State Legislatures on various occasions in the last few years which reflect a lack of decorum and discipline in the House. The conduct of some members in the House has not been in keeping with the decorum of the House. Consequently the prestige of the House has been lowered both inside and outside. Learning from the previous unpleasant incidents and in order to ensure that such incidents do not recur in future and the dignity and the decorum of the House is maintained, we have to come up with preventive measures after holding indepth discussion and deliberation on this serious matter in this Conference.

There are three major pillars of democratic system, *viz.,* Legislature, Executive and Judiciary. The Legislature holds the most significant position as the Executive and the Judiciary act in accordance with the norms set by it. With the passage of time, press and the electronic media have also come to hold an important position and they are being considered as the fourth pillar of the democratic system. The press and media are keeping a constant watch on the functioning of Legislatures and are also discharging the responsibility of promptly reporting the various minor and major activities of this supreme organ at the national and international level. The press and the electronic media is fully equipped to make live telecast of the proceedings of the House inside as well as outside the country so as to reach the common man. It is also beaming the reactions of the common man on the proceedings of the House. Thus, unedited telecast of any form of undignified conduct or instances of improper behaviour in the House is immediately available to the common man and he can have the detailed information through the newspapers. Needless to say, that not only does it cast an adverse impact on the dignity of the House but also tarnishes the image of the Hon'ble member(s) involved in such incidents. Thus in this changed scenario, we should not hesitate to admit the fact that it has become essential to behave in accordance with the propriety of the House under all circumstances.

The Government of Jharkhand fully agrees with the relevance and importance of the subject chosen for this Conference. Preliminary discussion has been held on this subject in the third session (August, 2001) of Jharkhand Legislative Assembly. It was decided after deliberations that in view of the importance of this subject, in depth discussion should be held and concrete action should be taken to evolve a model code of conduct for the members. In this context, I would like to give a few suggestions:

The President/Governors are not associated with any political party. Hence, no member should make a noise or disrupt the proceedings of the House during their Address. In case any member attempts to disrupt the proceedings of the House or demonstrate during the Address of the President/Governor, he should be immediately expelled from the House. Appropriate action should be taken in this regard to make suitable amendments, if necessary, in the relevant articles of Constitution *viz.* article 118/article 175/article 176.

The Speaker is also not considered to be holding his office in the House as a representative of a particular political party. Hence, the Hon'ble members should respectfully abide by the

*Chief Minister, Jharkhand (Original Paper in Hindi).

rulings made by the Speaker and the interventions made by him during the proceedings of the House from time to time. They should behave in a proper way while making their points. There does not seem to be any problem in adopting such a system. The members should not be allowed to make their submission when they act in an excited manner or make a noise or create a pandemonium to make their points. Any question raised by the Hon'ble members in this House should be addressed to the Speaker and the member(s) should check the tendency of levelling allegations and counter-allegations while making their points.

There should be a check on the tendency of creating a pandemonium in the House by the members in violation of orders/rulings by the Speaker and the members should make their submissions from their designated seats. This rule should be followed strictly. In the cases of departure from this rule, such power should be vested in the Speaker of the House that he may take action against the member to suspend him at the occurrence of such incident for the first time and to dismiss him in case of recurrence. In the instances of extreme cases of misbehaviour such as pulling out mikes or damaging the equipment in the House or coming to blows with other members present in the House, the Speaker should have the power to suspend such member(s) in the first instance.

I would like to assure this gathering that all the decisions taken unanimously after the discussion in the Conference will be taken very seriously by the Government of Jharkhand and necessary action for its follow-up will be taken at the level of the State Government promptly.

SHRI LUIZINHO FALEIRO*$

I have carefully gone through the background paper along with the various annexures supplied to me regarding the conduct of the members in the House. The paper mainly deals with the conduct of the members during the Speech of the President or of the Governors of the States.

I would like to make a few observations. As per the Convention, the Executive or the Council of Ministers prepares the speeches including all their achievements and outlining the policies and the President's or the Governor's job is only to read the speech. The point under consideration is, whether the Opposition should just listen to the speech if it contains a pack of lies by the party in power? If the Opposition does not articulate at that moment it infers that they agree to what is written in the speech. The Opposition has a role to play in democracy like ours, and therefore I feel that the Opposition can articulate and even walk out if they find that the Governor's speech does not contain true facts and policies for the benefit of the people of the State. I am aware that the Opposition will get chance to air their feelings when motion of thanks is placed before the House. This will happen after say, three days. What happens during the intervening period?

Today we are assembled here mainly due to an incident which took place in the Gujarat Vidhan Sabha and if I go through the chronological order of events, I find the Opposition had a point to stop the speech of the Governor of Gujarat. The Governor should have refused to read the speech. But he was bound by the Constitution of India. I feel that the Address of the President or of the Governor should be prepared by the President's or Governor's Secretariat, independent of the Council of Ministers. This will give true assessment of the situation and the Opposition will have no right to oppose it. I am aware that there will be need for constitutional amendment. Let us go for it.

Another point, which I would like to make, is regarding conduct and behavior of the members. Why does the Opposition protest? Is it to be heard by the galleries? Definitely not. It is because the party in power does not want to take into consideration the views of the Opposition. And when the things become difficult, the party in power moves a motion suspending the members. This also varies from State to State and it is different in the Parliament. There is, therefore, need of code for Presiding Officers or the Speakers and the Leaders of the House. The members are to be treated with all respect because they represent the electorate and by suspending the members, the Government is hurting the feelings of the people who have elected the member and have sent him or her to the House to represent them. I agree that the time of the House should not be wasted but the House consists of the members.

In my opinion the Ethics Committee can play a definite role in the democracy. In the event of any misbehaviour from the Opposition, the Speaker can seek help or advice of the Ethics Committee. This in no way, will reduce the authority of the Speaker. The Ethics Committee will act as third umpire. As far as possible the Chairman of the Ethics Committee should be a very

*Leader of the Opposition, Goa Legislative Assembly.

senior member of the House, preferably from the Opposition. Similar could be the case when the Opposition demands suspension of Question Hour or Half an Hour discussion on an urgent and important matter. Who should decide whether the matter deserves the importance? It should be Ethics Committee.

Ladies and Gentlemen, the views expressed by me are not because I am at present Leader of the Opposition. I have held the Office of the Chief Minister on two occasions. The views expressed above remained the same.

Another point which I would like to place before this august gathering is, the passing of the bills. I fully subscribe to the view on the background paper that bills dealing with legislation should be referred to the Standing Committee for study and submitting to the House during the next session.

SHRIMATI RABRI DEVI*[$]

In a system of parliamentary democracy, the people's representatives apart from having the obligation of legislation and their participation in the process of implementation of various development programmes, also play an important role in attending to the problems being faced by the people in urban and rural areas. More than a billion people of this country try to find a solution of their problems through their representatives. Hence, there is a need to make the sittings of the Legislatures more meaningful and result-oriented keeping in view the aspirations of the people.

Many such incidents have occurred in the recent years which have hampered the functioning of the House for a long period. Consequently, lesser time is left at the disposal of members for a meaningful exchange of views in the House.

The representatives elected by the people represent their areas in the Legislatures in States and the Parliament at the Centre. Meaningful discussion on the problems of the people in the Legislature and the Parliament and to come to a definite conclusion on that basis, forms the very basis of our democracy. Ideological conflict inside the House is very different from such a conflict outside the House. Inside the House, it is in the form of a debate. People expect their representatives to raise their issues in the House and help them find a solution to their problems. While the solution of the problem through a debate in the House will have a favourable impact on the people, disrupting the proceedings of the House gives rise to a feeling of disappointment amongst the people. Hence, all of us should have a common objective that the House should function, there should be an objective debate and a meaningful outcome should ensue.

It is good that almost all the representatives of the people are deliberating on this important issue. The background paper circulated for this Conference by the Lok Sabha Secretariat makes a mention of serious deliberations undertaken by the parliamentary committees in this respect. The issue is still under consideration of a Committee of Lok Sabha. There are various suggestions which can be approved whereas some others require discussion.

It is extremely important that the MPs and MLAs are imparted training on how to maintain decorum and discipline in the House right after the constitution of the Parliament and Legislatures. Besides, some institutional arrangements should be made to provide them with an opportunity to discuss the problems at a later stage as well and receive guidance from their senior colleagues.

It is generally felt that some persons with criminal and controversial background are getting elected to the Parliament and the State Legislatures. There is a need to keep such people away from these sacred democratic fora. While on one hand, there is a need to amend the election laws, on the other the political parties should discharge their responsibilities properly so that such persons are not elected as their representatives.

Opposition forms the basis of the democracy. Hence, it is natural for the representatives of the people to oppose a policy or a particular incident during the proceedings of the House. An

*Chief Minister, Bihar (Original Paper in Hindi).

imposition of complete ban on such Opposition by framing rules would mean striking at the very roots of the democracy. There is, therefore, a need to oppose in such a manner that the decorum and discipline of the House is maintained, leading to fruitful results. The representatives of the people will need to exercise self-restraint. We can have better results if various political parties keep in giving training and proper guidance to their representatives from time to time. There is a need to take symbolic action against those violating the decorum of the House.

Framing a code of conduct for members is most relevant keeping in view the dignity of the House. Hence, there is a need to hold extensive discussion in this regard. A code of conduct, therefore, should be framed for the representatives of the people.

SHRI D.B. CHANDREGOWDA*[$]

This is a forum of parliamentarians and state legislators. We seek to lay down laws that we want it to be obeyed. We expect every citizen to practice discipline and conduct with dignity in social life. Paradoxically, this Conference of legislators bears the theme of Discipline and Decorum in Parliament and State Legislatures—the proverbial 'Darkness beneath the Lamp!'

Media reports of the happenings recently in some of the Legislatures, indicate that the problem exists in reality. There is no denying the fact that indiscipline and untowardness are writ large on the walls of more or less every House of Legislature, marked by violence—verbal if not physical. Burning up Governor's speeches, tearing out Committee reports ana statements of ministers are among the sober type. Pitching voices up, beating drums, making vengeful gestures are among the bearable. But acts like rolling up sleeves, climbing on the benches, snatching microphones, breaking furniture to make brick-bats of them, getting to blows and to rank above all, insulting or manhandling the Speaker make a sordid story, indeed. This Conference rightly shares this concern.

Parliament and State Legislatures are the sovereign forums, where the people's representatives seek to identify, analyse, debate and resolve the problems confronting public life. Through the course of my political career I have had the privilege of working as Speaker, Leader of Opposition, Party Leader, and as Whip, besides being a member of both the Houses of Parliament and Minister in charge of Law and Parliamentary Affairs Departments. I have witnessed and encountered demands for holding longer sessions—a legitimate claim indeed! But what if these longer sessions are destined to end in protests, noise and disturbance. If only we can afford better understanding between ourselves look at each other eye to eye and with a temperament of forbearance, I can assure you such demand can never arise and this topic will never again present itself on this platform. We are the source of the problem, and we have to resolve it ourselves. This is a matter of inner discipline which none from outside *can or should* teach. Understanding the issues and arriving at solutions could be smooth and effective if the debates are carried on in an atmosphere of respect for each others' views and tolerance for others' feelings.

By virtue of their sovereignty, the Parliament as well as the State Legislatures are empowered to frame their own rules of conduct. We do have Rules of Conduct drawn almost on a model, operating countrywide. They provide for containing indiscipline within the House. It does not seem there is any question of their inadequacy. There have been no suggestions or proposals coming from any quarter to review these rules. So it means, that the Rules are not operated, not enforced, to meet the violations. Could it not be worthwhile therefore to find solutions to the problem of indiscipline by stricter enforcement of the Rules?

The very fact that we have framed rules of conduct to regulate the Houses and we are adding to its rigour day-by-day, is indicative of the deteriorating standards of parliamentary

*Minister of Law and Parliamentary Affairs, Karnataka.

[$]Due to paucity of time the delegates could not get the opportunity to speak at the Conference. As announced by the Chair, the speeches/papers circulated by them formed part of the proceedings.

conduct. In right spirit, we should be able to conduct ourselves in a dignified manner by even without any such set of written rules.

If we cannot practice self-discipline, an invariable consequence is that the regulation has to come from outside, may be the peoples' will in the form of a constitutional mandate. Do we need this to come? It would mean forsaking our privilege and reducing the House to a lay class-room. The solution lies within. We must mend our morals. There is no other way.

Unruliness in the Houses of Legislatures is not as such a matter of the attitude of individual members. Whenever such was the case, it has not normally persisted beyond removing the errant member from the floor of the House, by exercise of disciplinary power of the Presiding Officer. The real problem seems to lie in concerted action, of groups of members, who take to fight issues on party lines. When such is the case it becomes a delicate job for the Presiding Officer to exercise his powers, for anything that he does to enforce discipline will affect a whole party or political group being kept out of deliberations, which in a democratic system is less preferable.

Here lies the role of the Leaders of political parties, the Whips and senior members. They must play their roles effectively in hearing and understanding the feelings of members individually or groups of them, and induce proper conduct in accordance with the rules. If this is not done it becomes inevitable for the Presiding Officers, to do the unsavory job of disciplining the members in order that the dignity of the House is preserved.

It is pertinent to note that the parliamentary institutions in India have been on decline, not because they are inadequate as a system but because they are not functioning, as they ought to in keeping with the norms of dignity and decency. The great blemish upon them is the disorderly conduct of legislators inside the House, which subverts the process of debate and discussion to solve issues democratically. Non partisan thinkers have tried to trace the reasons for this malady in different ways. It is significant to note from their analysis that such behavior is not without ideological explanations.

R. Venkataraman, Ex-President of India renders this analysis of the situation:

> "Modern democracy is based on the rule by majority which means that 51% can rule to the exclusion of 49%. It rests on confrontation between Government and the Opposition. It excludes a large section of the nation from participation in Government. It breeds jealousy in the deprived and arrogance in the rulers".

S.N. Mishra a great academician, while speaking on Parliamentary Behaviour in India sees that the overall environment prevailing in the country and the political culture of the people distort the real representative character of the Parliament and that the party system in India has affected the image of the Legislature greatly. He also feels, rigidity of party discipline, provision of financial and physical resources to a candidate, views of power of patronage and the promotion of loyalty cult have adversely affected independence of the legislators.

There have also been attempts to study the impact of the structure of Lok Sabha (presumably a trend setter) in terms of educated membership and professional representation. Paradoxically, history has recorded decline in quality and content of debate, and simultaneously an increase in absenteeism, even as the proportion of educated membership has definitely gone up with times. Of course we may have to keep in mind that the quality of education too declined with the times and so any analysis based on representation of educated membership may not yield dependable results.

On the other hand analysis on the basis of vocational strength of membership appears to hold out some positive indication. With the growth of time the strength of artisans (agriculturists and craftsmen) as compared to the elite has risen. This means that with the growth of Parliament, representation for the common lot of people has improved. This points to one significant fact

the legislators do not function in a vacuum, their behaviour in the Legislatures should naturally be a reflection of what is happening in the society at large.

We can read the strand of thought in these, again, that the problem owes very little to the individuality of legislators but rises as concomitant of the very system of parliamentary democracy. The truth is that unruly conduct and noisy scenes in the Parliament is acknowledged as a global phenomena.

It is essentially for the people to choose the form of governance they prefer. We are working on a limited plot, of merely suggesting correctives to the existing system. The factors we see, thus, as practically bearing on the issue before us are:

(i) Lack of commitment to serve on the part of individual members;

(ii) Lack of morale in the party politics; and,

(iii) Resultant condition of the society at large marked by frustration and wrath.

One leading to the other in sequence. Efforts at reform ought, therefore, to be directed on lines of the above and in their due sequence. I am, therefore, of the opinion that unless the legislators are disciplined themselves to conduct responsibily within Houses and transform morally to work selflessly towards achieving common welfare, any amount of debate in public fora is bound to end in futility.

Side by side with the problem of unruliness, there is also the problem of absenteeism haunting the sessions. The two put together deduce a more terrible state of affairs—the few people attending at the sessions are playing more truant! In other words absenteeism seems to bear significantly on unruliness. The solution should come from legislators themselves. The legislators should make it a point to be present in full quorum during the debates. This helps in two ways: the nobler of them may exercise their influence to call the unruly few to discipline, besides shedding the light of their wisdom into the dark alleys of ignorance and immaturity.

The following measures to contain indiscipline within the House may be considered:—

- The members who repeatedly indulge in indecorous behaviour or in creating disorder, shall not be considered for being appointed as members of any House Committee or Standing Committees or as member or Chairman of any Board, Committee, Corporation etc.
- A person who repeatedly remains absent without the permission of the Presiding Officers or who indulges in indecorous behaviour or creating disorder, shall forego such percentage of his salary and allowances payable to him as a member.

However, I am of the firm view that the issue is a matter for self-regulation. It is a matter of keeping up the trust the people have reposed in us. The issue now before us is a matter of self-regulation and it ought not to be allowed to form subject of public talk. I, therefore, call upon all of you my brethren assembled here today to develop a wider view of life so that we are better able to match the trust the people have reposed in us as their leaders and representatives.

ADOPTION OF THE RESOLUTION
AND
CLOSURE OF THE CONFERENCE

The one-day Conference discussed in depth the vital issue of discipline and decorum in Parliament and Legislatures of States and Union Territories and came to a solemn end after adopting a Resolution.

Prior to the Conference, the Speaker, Lok Sabha, Shri G.M.C. Balayogi had constituted a Drafting Committee* under the Chairmanship of Shri P.M. Sayeed, Deputy Speaker, Lok Sabha, to draft the Resolution and a Code of Conduct.

The Commitee at their first meeting held on 7 November 2001 constituted a sub-Committee for the purpose. The Sub-Committee met on 16 November 2001 and finalised the draft which was considered by the Drafting Committee at their meetings on 17 and 25 November 2001.

*For names of members of the Committee *please see* Annexure-I.

MOVING OF THE RESOLUTION BY SHRI P.M. SAYEED, DEPUTY SPEAKER, LOK SABHA AND CHAIRMAN OF THE DRAFTING COMMITTEE

SHRI G.M.C. BALAYOGI: Hon'ble Delegates, I have great pleasure to inform you that Hon'ble Vice-President of India and Hon'ble Prime Minister have been taking very keep interest in the deliberations of this Conference. Since morning they have made it convenient to come and bless us with their benign presence. Now, it is time for us to adopt the Resolution.

I would now request the Hon'ble Deputy Speaker, Lok Sabha and Chairman of the Drafting Committee, Shri P.M. Sayeed to move the Draft Resolution to be adopted by the Conference.

SHRI P.M. SAYEED: Hon'ble Vice-President of India, Hon'ble Prime Minister, Hon'ble Speaker, Lok Sabha, Hon'ble Leader of the Opposition, Lok Sabha, Shrimati Sonia Gandhi; Hon'ble Leader of the Opposition, Rajya Sabha, Dr. Manmohan Singh, Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders of Parties, Whips, other Distinguished Members of Parliament, Legislatures of States and Union Territories:

The Resolution which I am going to move is lengthy. But I would like to read out the Resolution, as suggested by some senior Leaders. Therefore, straightway, I will enter into that duty. I think, for the entire day, the cream of the leadership in the country has assembled and seriously deliberated. Let me, on behalf of the Drafting Committee, present the Draft Resolution and Code of Conduct for consideration and adoption by the Conference*:

*** *** ***

I would be failing in my duty if I do not pay my respectful and grateful regards and my thanks to all those 33 Members.

This is a very auspicious occasion. We are unanimously going to adopt this Resolution. Therefore, I request that even one Member should not be a dissident. Therefore, I present this Resolution and Code of Conduct for your kind approval.

SHRI G.M.C. BALAYOGI : The Resolution moved by Shri P.M. Sayeed, Hon'ble Deputy Speaker, Lok Sabha, is before you. I hope, the whole House adopts it unanimously.

The Resolution was adopted unanimously.

*For the text of the Resolution read out by Hon'ble Deputy Speaker, please *see* Annexure-II.

CONCLUDING REMARKS BY SHRI G.M.C. BALAYOGI, SPEAKER, LOK SABHA AND CHAIRMAN OF THE CONFERENCE

Respected Upa-Rashtrapatiji, Respected Pradhan Mantriji, Hon'ble Ministers, Hon'ble Leaders of the Opposition in the Parliament, Hon'ble Presiding Officers, Hon'ble Chief Ministers and Other Distinguished Delegates;

We have now come to the concluding part of this important Conference. It has indeed been a very rewarding day. I am grateful to Hon'ble Vice-President of India and the Chairman, Rajya Sabha, for inaugurating this Conference and for his inspiring Address in the morning and for being with us again now. I am very happy that Hon'ble Prime Minister has also made it convenient to be with us once again. Without his support and encouragement, a Conference of this nature could not have been successfully organised here. I am grateful to him for that. A special word of thanks is due to the Leaders of the Opposition in both the Lok Sabha and the Rajya Sabha for their invaluable contribution in making this Conference a great success.

I shall be failing in my duty if I do not express my gratitude to each and every one of you for being here for the day-long deliberations on 'Discipline and Decorum in Parliament and State Legislatures'. What has made this Conference a great success is ultimately the presence and constructive participation of all of you in today's proceedings.

Friends, this historic Central Hall of our Parliament House has been witness to several meetings and Conferences, but today's Conference, to my mind, assumes a very special significance. It is so, not just because we have passed a laudable Resolution today and adopted a comprehensive Code of Conduct for Legislators, but more so because, this whole exercise marks our ability for introspection about the health of our political system.

The subject matter for this Conference has been one of serious concern to all of us. The presence of all of you and your enthusiastic participation attest to it.

We have had the opportunity to directly listen to the viewpoints of several distinguished participants here. I am sure, many more of you would have wanted to share your ideas and perceptions with us all here and we all would have been happy to listen to them too. It was only the time factor that stood between us. The speeches of several other delegates have already been circulated to you. Those would also form part of the day's proceedings. I am sure that the Resolution and the Code of Conduct adopted by us authentically represent the ideas and concerns of all of us present here, formally expressed or not.

There were a few points like ethics in public life, reorganisation of the business of the Legislatures and other such issues of concern to our polity raised by our distinguished participants here. I am sure, these mattes will receive the attention they deserve from the authorities concerned. It is appropriate that the opportunity for raising these issues has not been lost.

Friends, the very fact that we could organise a meeting of this magnitude involving virtually the whole spectrum of our nation's leadership at different levels and have come to agree on

measures that could help to refurbish the image of our representative institutions in itself is a creditable achievement. This points not just to the resilience and the maturity of our system but also to our unity of purpose when it comes to safeguarding and nurturing our democratic order. This spirit was amply demonstrated in the proceedings of the Committee and the sub-Committee constituted to draft the Resolution and the Code of Conduct that were adopted here this evening.

The Drafting Committee and its Chairman, my colleague Shri Sayeed Saheb deserve to be congratulated for the commendable job they have done. I am aware of the long hours they have spent in working on an agreed Draft and I sincerely thank them for their untiring efforts. All those associated with the system can take pride in the fact that when it comes to vital national issues, there is no Ruling and Opposition divide in our country. This will help us in instilling more confidence about our system among the people and in making the democratic functioning more meaningful.

I am happy that the media, both print and electronic, took keen interest in this Conference and have taken necessary steps to take the message of this Conference to the people all over the country. A free media is as much a product of democracy as is a guarantor for it. They reinforce each other. Our special gratitude is due to all the representatives of the media who have been with us here today. My special thanks are to the *Doordarshan*, which, in spite of the hectic schedule they have on a Sunday, have been generous enough to telecast live the proceedings of this Conference.

Friends, before I conclude, I would like to express our thanks to the Secretaries-General of the Lok Sabha and the Rajya Sabha, to the officers and staff of the Secretariats, the security agencies and the CPWD, for all their efforts and hard work in facilitating this Conference and to all others associated with this Conference in one way or the other for having contributed to its success today.

We have had very fruitful deliberations and we have unanimously adopted the Resolution to uphold the dignity of the supreme parliamentary institutions. I am confident the Resolution and the Code will be suitably adopted in the rules of the Legislatures and will be followed in letter and spirit. I thank you all for attending this Conference.

A view of the meeting of the Drafting Committee of the Conference on 'Discipline and Decorum in Parliament and Legislatures of States and Union Territories'

Another view of the meeting of the Drafting Committee

A meeting of the Drafting Committee of the Conference on "Discipline and Decorum in Parliament and Legislatures of States and Union Territories" in progress

The Deputy Speaker, Lok Sabha and Chairman of the Drafting Committee of the Conference, Shri P.M. Sayeed piloting the Resolution

The Speaker, Lok Sabha and Chairman of the Conference, Shri G.M.C. Balayogi making concluding remarks

The Vice-President of India, Shri Krishan Kant and the Prime Minister, Shri Atal Bihari Vajpayee with the delegates

The Prime Minister, Shri Atal Bihari Vajpayee and the Speaker, Lok Sabha, Shri G.M.C. Balayogi with the delegates

The Minister of Home Affairs, Shri L.K. Advani with the delegates

ANNEXURE-I

LIST OF MEMBERS OF THE DRAFTING COMMITTEE OF THE CONFERENCE

Shri P.M. Sayeed — *Chairman*
Deputy Speaker, Lok Sabha

Presiding Officers

1. Smt. K. Prathibha Bharathi,
Speaker, Andhra Pradesh Legislative Assembly

2. Shri Pratap Singh Raoji Rane,
Speaker, Goa Legislative Assembly

3. Shri Dhirubhai Shah,
Speaker, Gujarat Legislative Assembly

4. Shri A.A. Vakil,
Speaker, Jammu and Kashmir Legislative Assembly

5. Shri Inder Singh Namdhari,
Speaker, Jharkhand Legislative Assembly

6. Shri Arun Govardhandas Gujarathi,
Speaker, Maharashtra Legislative Assembly

7. Shri Keshari Nath Tripathi,
Speaker, Uttar Pradesh Legislative Assembly

8. Shri Hashim Abdul Halim,
Speaker, West Bengal Legislative Assembly

9. Shri Vakkom Purushothaman,
Speaker, Kerala Legislative Assembly

10. Shri Sarat Kumar Kar,
Speaker, Orissa Legislative Assembly

Ministers

11. Shri Pramod Mahajan,
Minister of Parliamentary Affairs, Communications and Information Technology

12. Shri Arun Jaitley,
Minister of Law, Justice and Company Affairs

Rajya Sabha

13. Shri Pranab Mukherjee,
Chief Whip, I.N.C.

14. Dr. Mahesh Chandra Sharma,
Chief Whip, B.J.P.

15. Shri J. Chitharanjan,
Leader, C.P.I.

16. Shri Viduthalai Virumbi,
Leader, D.M.K.

17. Shri S.R. Bommai,
Leader, J.D.

Lok Sabha

1. Prof. Vijay Kumar Malhotra,
Chief Whip, B.J.P.

2. Shri P.R. Dasmunsi,
Chief Whip, I.N.C.

3. Shri Somnath Chatterjee,
Leader, C.P.I.(M)

4. Shri K. Yerrannaidu,
Leader, T.D.P.

5. Shri Mulayam Singh Yadav,
Leader, S.P.

6. Km. Mayawati,
Leader, B.S.P.

7. Km. Mamata Banerjee,
Leader, A.I.T.C.

8. Shri P.H. Pandian,
Leader, A.I.A.D.M.K.

9. Shri Anant G. Geete,
Leader, Shiv Sena

10. Dr. Sushil Kumar Indora,
Leader, I.N.L.D.

11. Shri Shivraj V. Patil, MP

12. Shri P.A. Sangma, MP

13. Shri Chandra Shekhar, MP

14. Shri S.B. Chavan, MP

15. Dr. Laxminarayan Pandey, MP

16. Shri T.N. Chaturvedi, MP

ANNEXURE-II

TEXT OF THE RESOLUTION ADOPTED AT THE CONFERENCE

TEXT OF THE RESOLUTION ADOPTED AT THE ALL INDIA CONFERENCE OF PRESIDING OFFICERS, CHIEF MINISTERS, MINISTERS OF PARLIAMENTARY AFFAIRS, LEADERS AND WHIPS OF PARTIES ON 'DISCIPLINE AND DECORUM IN PARLIAMENT AND LEGISLATURES OF STATES AND UNION TERRITORIES' HELD AT NEW DELHI ON SUNDAY, 25TH NOVEMBER, 2001

The Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders of Parties, Whips and other distinguished members of Parliament and Legislatures of States and Union Territories;

Having met in a Conference at New Delhi on 25 November, 2001 to deliberate on the need for 'Discipline and Decorum in Parliament and Legislatures of States and Union Territories';

Taking serious note of the growing tendency to disturb and stall the proceedings of Parliament and State Legislatures and incidents of disorderly conduct by members inside the House which, besides eroding the credibility of these representative institutions, also lead to public disillusionment with the very system of parliamentary democracy;

Taking note of the step taken in this direction at the All India Conference of Presiding Officers and others on 'Discipline and Decorum in Parliament and State Legislatures' held at New Delhi on 23 and 24 September, 1992, which considered the matter in great detail;

Also taking note of the unanimous Resolution adopted by the two Houses of Parliament at their commemorative session to mark the Golden Jubilee of Indian Independence on 1 September, 1997 whereby the members committed themselves to maintain the inviolability of the Question Hour, to refrain from transgressing into the well of the House or from shouting slogans, and to desist from any effort at interruptions or interference with the address of the President of the Republic;

Commending the endeavours of the Ethics Committees of Rajya Sabha, Lok Sabha and Andhra Pradesh and Orissa Legislative Assemblies to evolve a Code of Conduct and ethical norms for their members inside and outside the House;

Appreciating the efforts made by the Presiding Officers at their Sixty-fourth Conference held in June 2001 at Chandigarh on the initiative of Speaker, Lok Sabha to find ways and means for curbing the incidents of disorderly conduct in Parliament and Legislatures of States/Union territories, and the ongoing endeavours by Lok Sabha for making provisions in the Rules of Procedure for automatic suspension of members of the House for a specified period for their acts of transgression into the well of the House and creating disorder there; and

Being concerned that all these concerted efforts have proved to be inadequate in curbing this increasingly disturbing trend;

Hold that acts of improper conduct in the House such as shouting of slogans, showing of placards, tearing and throwing of papers, showing of indecent postures, making of improper gestures, rushing to the well of the House, holding demonstrations, sitting on *dharna,* disturbing

the proceedings and not allowing other members to speak, not heeding to the directions of the Chair to maintain order, questioning the rulings of the Presiding Officers etc., affect adversely the proper functioning of the Parliament and the Legislatures;

Urge the legislators to realise that they belong to the supreme representative institutions of our democratic polity, that their conduct, both inside and outside the House, has a direct bearing on its success and that being the custodians of the interests of the entire nation, their conduct should not only be exemplary but also conform to the highest democratic traditions and expectations of the people;

Call upon the leaders of political and legislature parties to come forward and play a proactive role in maintaining decorum in Legislatures by restraining their members from indulging in disorderly conduct inside the House and to impress upon them the need for faithful adherence to the norms of discipline, decorum and decent behaviour in the House;

Emphasize that the time has come to seriously introspect and analyse the root causes of this malady and take effective measures to stamp it out from our body politic;

Are of the view that some of the major contributory factors behind this trend of disorderly conduct by members in Legislatures are:

(i) non availability of adequate time and consequent frustration of members over perceived inadequacy of opportunities to raise matters pertaining to their grievances on the floor of the House,

(ii) misgivings created at times by seemingly unresponsive attitude adopted by Government and retaliatory posture by treasury benches,

(iii) disinclination, at times, on the part of the leadership of legislature parties to adhere to parliamentary norms and to discipline their members,

(iv) absence of prompt and proper action against erring members under the Rules of Procedure, and

(v) lack of sufficient training and orientation, especially of new members, in parliamentary procedure and etiquette;

Aware that—

(i) the Presiding Officers of Legislative Bodies in India, at their Conference held at Shimla in October, 1997 and the Committee of Presiding Officers of Legislative Bodies, in their Report on 'Procedural Uniformity and Better Management of the Time of the House', adopted at the Presiding Officers' Conference held at Chandigarh in June, 2001, had recommended that there should be constitutional provisions to ensure a minimum of 100 sittings of bigger State Legislatures having at least 100 members and 60 sittings for smaller State Legislatures having less than 100 members,

(ii) the Committee of Privileges (Eleventh Lok Sabha), in their Report on 'Ethics, Standards in Public Life, Privileges, Facilities to Members and Other Related Matters' had recommended that 'immediate corrective measures' and 'comprehensive electoral reforms' are required to check the 'criminalisation of politics which was eating into the very vitals of our democratic system',

(iii) The Committee on Ethics, Rajya Sabha, in their First Report, presented on 8 December, 1998 had recommended that the political parties should 'devise self-controlling norms which should regulate the conduct of their members' and that 'the parameter for the selection of candidates for elections by political parties should be proven standards in public life', and

(iv) the Committee of Presiding Officers on 'Procedural Uniformity and Better Management of the Time of the House' had recommended that Departmentally Related Standing Committees and Ethics Committees should be constituted in all the Legislatures;

(v) The Committee on Ethics, Rajya Sabha in their Second Report presented on 13 December, 1999 had recommended that—

(a) a Register of Members' Interests be maintained under the authority of the Committee on Ethics or of the House,

(b) every member may be required to furnish information annually relating to any pecuniary interest or other material benefits which he receives, and

(c) every member may be required to notify changes, if any, in the information so furnished by him within ninety days of such changes occurring,

(vi) The Committee on Ethics, Lok Sabha in their First Report on 'Ethics Related Matters" laid on the Table of the House on 22 November, 2001 recommended that—

(a) it may be made mandatory for each member of Lok Sabha to disclose his/her income, assets and liabilities. For this purpose members may be required to file a financial disclosure statement immediately after their election to Lok Sabha,

(b) members may file revised forms whenever any change occurs and also at the end of the tenure of the Lok Sabha, and

(c) a Register of Members' Interests may be maintained in the Lok Sabha Secretariat on the basis of information furnished by the members;

Rededicate themselves to preserving, nurturing and strengthening the parliamentary democracy which is the very essence of our polity and to make the parliamentary institutions a success; and

Towards this end Resolve that

(i) the prestige of Parliament and the Legislatures of States and Union Territories be preserved and enhanced by adopting and enforcing a Code of Conduct for legislators which forms part of this Resolution as an Annexure,

(ii) necessary changes, wherever required, be incorporated in the Rules of Procedure of all Legislatures to facilitate the implementation of the said Code of Conduct,

(iii) all violations or breaches of the Code of Conduct be duly punished by measures like admonition, reprimand, censure or withdrawal from the House for offences of a less serious nature and by automatic suspension from the service of the House for a specific period for grave misconduct as may be specified,

(iv) immediate steps be taken to ensure a minimum of 110 days of sittings of Parliament and 90 and 50 days of sittings of the Legislatures for the big and small States, respectively, if necessary, through appropriate constitutional amendment,

(v) necessary changes be made in the Rules of Procedure to strengthen the Committee system in Parliament and Legislatures of States and Union Territories to provide increased participation of legislators in the parliamentary process,

(vi) Ethics Committees be constituted by the Presiding Officers forthwith in all the Legislatures where these have not already been constituted for enforcing the Code of Conduct,

(vii) Urgent steps be taken requiring—

(a) legislators to file a financial disclosure statement comprising information with regard to their income, assets and liabilities immediately after their election to respective Legislatures,

(b) legislators to notify changes, if any, in the information furnished by them in their financial disclosure statements within a specified period, and

(c) maintenance of a Register of Members' Interests by all Legislatures,

(viii) earnest endeavours be made by all political parties to lay down parameters with emphasis on proven standards in public life, for selection of candidates for elections,

(ix) a more responsible and effective role in maintaining decorum in the House be played by the Leader of the House, the Leader of the Opposition and leaders of political and legislature parties by ensuring disciplined behaviour on the part of their members,

(x) a more positive and responsive attitude be adopted by the Government and Treasury Benches towards the Opposition by being more accommodative and be responding promptly to the matters raised by Opposition members on the floor of the House,

(xi) the treasury and opposition benches in the House should be more tolerant, accommodative and understanding towards each other,

(xii) Presiding Officers and leadership of political and legislature parties should ensure that the members, especially the new members, are given proper training and orientation in parliamentary procedure, discipline and decorum, by the Bureau of Parliamentary Studies and Training of Lok Sabha and those constituted in some State Legislatures or by other institutions or bodies;

And hope that all concerned will act in accordance with this Resolution in letter and spirit.

CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT AND LEGISLATURES OF STATES AND UNION TERRITORIES

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PART I

PRELIMINARY

1. This Code may be called the Code of Conduct for Members of Parliament and Legislatures of States and Union Territories.

2. Words and expressions used in the Code shall, unless the context otherwise requires, have the meaning assigned to them in the Constitution of India and the Rules of Procedure and Conduct of Business of Houses of Parliament and Legislatures of States and Union Territories.

PART II

CODE OF CONDUCT FOR MEMBERS INSIDE THE HOUSE

General rules

3. A member, whilst the House is sitting, *shall*—

(i) bow to the Chair while entering or leaving the House and also when taking or leaving his seat;

(ii) always address the Chair;

(iii) keep to his usual seat while addressing the House;

(iv) maintain silence when not speaking in the House;

(v) avoid talking or laughing in Lobby loud enough to be heard in the House;

(vi) maintain the inviolability of the Question Hour;

(vii) refrain from transgressing into the well of the House;

(viii) resume his seat as soon as the Speaker rises to speak.

4. A member whilst the House is sitting, *shall not*—

(i) read any book, newspaper or letter except in connection with the business of the House;

(ii) interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;

(iii) pass between the Chair and any member who is speaking;

(iv) leave the House when the Speaker/Chairman is addressing the House;

(v) obstruct proceedings, hiss or interrupt and shall avoid making running commentaries when another member is speaking;

(vi) applaud when a stranger enters any of the Galleries, or the Special Box;

(vii) shout slogans in the House;

(viii) sit or stand with his back towards the Chair;

(ix) approach the Chair personally in the House. He may send chits to the officers at the Table, if necessary;

(x) wear or display badges of any kind in the House;

(xi) bring or display arms in the House;

(xii) display flags, emblems or any exhibits in the House;

(xiii) leave the House immediately after delivering his speech;

(xiv) distribute within the precincts of Parliament House any literature, questionnaire, pamphlets, press notes, leaflets etc. not connected with the business of the House;

(xv) place his hat/cap on the desk in the House, bring boards in the Chamber for keeping files or for writing purposes, smoke or enter the House with his coat hanging on the arms;

(xvi) carry walking stick into the House unless permitted by the Speaker on health grounds;

(xvii) tear off documents in the House in protest;

(xviii) bring or play cassette or tape recorder in the House;

(xix) sit on *Satyagrah* or *Dharna* inside the House or anywhere within the precincts of Parliament or Legislatures of States and Union Territories;

(xx) bring cellular phones or pagers in the House.

5. (1) If a private member desires to lay a paper or document on the Table of the House, he shall supply a copy thereof to the Speaker in advance so as to enable him to decide whether permission should be given to lay the paper or document on the Table. If the Speaker/Chairman permits the member to lay the paper or document on the Table, the member may at the appropriate time lay it on the Table.

(2) If a private member, in the course of his speech wishes to quote from a secret Government document, paper or report, he shall supply a copy thereof in advance to the Speaker and also indicate the portions thereof which he wishes to quote in order to enable the Speaker to decide whether permission should be given. If the Speaker/Chairman permits the member to quote from the document, the member may do so at the appropriate time. If the Speaker/Chairman does not accord the necessary permission, the member shall not quote from the document nor refer to its contents.

6. (1) A member wishing to point out any mistake or inaccuracy in a statement made by a Minister or any other member shall, before referring to the matter in the House, write to the Speaker/Chairman pointing out the particulars of the mistake or inaccuracy and seek his permission to raise the matter in the House.

(2) The member may place before the Speaker/Chairman such evidence as he may have in support of his allegation.

7. No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given adequate advance notice to the Speaker/Chairman and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply:

Provided that the Speaker/Chairman may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.

8. Members shall not give any advance publicity to various notices given by them.

9. A member having a personal, pecuniary or direct interest in a matter before the House, while taking part in the proceedings on that matter, shall declare the nature of that interest. It is expected of the member, as a matter of propriety, to decide for himself whether by casting

his vote in a division in the House on the matter, his judgment is likely to be deflected from the straight line of public policy by that interest.

Rules to be observed while speaking

10. A member while speaking shall not—

(i) refer to any matter of fact on which a judicial decision is pending;

(ii) make personal reference by way of making an allegation imputing a motive to or questioning the *bona fides* of any other member of the House unless it be imperatively necessary for the purpose of the debate being itself a matter in issue or relevant thereto;

(iii) use offensive expressions about the conduct or proceedings of Parliament or any Legislature of State/Union Territory;

(iv) reflect on any determination of the House except on a motion for rescinding it;

(v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms;

(vi) use the President's/Governor's/Lieutenant Governor's name for the purpose of influencing the debate;

(vii) utter treasonable, seditious or defamatory words;

(viii) use his right of speech for the purpose of obstructing the business of the House;

(ix) make any reference to the strangers in any of the galleries;

(x) refer to Government officials by name;

(xi) read a written speech except with the previous permission of the Chair;

(xii) question or comment on the ruling of the Speaker/Chairman;

(xiii) use insinuation or offensive and unparliamentary expressions while addressing the Chair;

(xiv) speak unless called by the Speaker/Chairman;

(xv) speak unparliamentary words.

PART III

CODE OF CONDUCT FOR MEMBERS DURING PRESIDENT'S/GOVERNOR'S/ LIEUTENANT GOVERNOR'S ADDRESS

11. It is imperative for each and every member or any other person present on the occasion of the President's Address to observe solemnity, dignity and decorum.

12. If any member or other person interrupts or obstructs the President's Address to either House of Parliament or both Houses of Parliament assembled together, either before or during or after the Address, while the President is in the Hall, with any speech or point of order or walk-out or in any other manner, such interruption, obstruction or show of disrespect shall tantamount to an act of disorder and disrespect to the President and may be considered as a grossly disorderly conduct on the part of the concerned member or other person and a contempt for the House which may be dealt with by the House subsequently on a motion moved by a member.

13. If any member or other person interrupts or obstructs the President's Address or mars the dignity of the occasion in any other manner, the President, who is in charge of the proceedings and fully competent to preserve order on the occasion may give such directions as he may consider necessary to preserve order, solemnity and dignity of the occasion.

14. The provisions of clauses 11 to 13 of the Code would be applicable *mutatis mutandis* to the Addresses by Governors of States to members of both Houses of respective State Legislatures and Lieutenant Governors of Union Territories to members of respective Legislative Assemblies.

PART IV

CODE OF CONDUCT FOR MEMBERS IN PARLIAMENTARY COMMITTEES/COMMITTEES OF LEGISLATURES OF STATES AND UNION TERRITORIES

Code of Conduct for members in Parliamentary Committees

15. Where a member of a Committee has a personal, pecuniary or direct interest in any matter which is to be considered by the Committee, he shall state his interest therein to the Speaker through the Chairman of the Committee.

16. Since the proceedings of a Committee are treated as confidential, it is not permissible for a member of the Committee or any one who has access to its proceedings to communicate directly or indirectly to the press any information regarding its proceedings including its report or any conclusions arrived at, finally or tentatively, before the report has been presented to the House.

17. Whenever a paper or document, marked 'secret' or confidential is circulated to the members of the Committee, the contents of such paper or document shall not be divulged by any member either in the minute of dissent or on the floor of the House, or otherwise, without the permission of the Speaker/Chairman; and where such permission has been obtained, any restriction imposed by the Speaker in regard to the manner in which, or the extent to which the information contained in the document may be divulged, shall be strictly observed.

18. The evidence given before a Committee shall not be published by any member of the Committee or by any other person until it has been laid on the Table.

Guidelines for Parliamentary Committees and Code of Conduct for Members during study tours of Parliamentary Committees

19. Committees should not normally undertake tours unless it is absolutely necessary to undertake an on-the-spot study tour for proper examination of the subject before the Committee.

20. Where a Committee proposes to undertake a tour, prior permission of the Speaker/ Chairman should be taken in all cases.

21. Tours should not be undertaken merely because something has to be seen or discussions have to be held with local authorities. Discussions can always usefully be held in the Parliament House/Assembly/Council Houses and the Officers concerned with the subject-matter can be specifically called before the Committee.

22. The whole Committee should not undertake a tour. A small sub-Committee or Study Group consisting of five or six members may be formed for the purpose who may report back to the whole Committee after its study tour. In cases where the Committee consists of more than 30 members, the sub-Committee or Study Group may have a maximum of 10 members.

23. During the tours, Committees should avoid visits to places not include in the official tour programme, except local sight seeing.

24. It is necessary that the expenditure on tours and the strain on the local administration and transport authorities should be kept to the minimum.

25. Terms of reference of the Study Groups or sub-Committees who are sent on study tours should be precise and laid down in writing.

26. A study tour should be undertaken before the official evidence on the subject is taken by the Committee and not after the evidence.

27. A study tour should be undertaken for the absolutely minimum necessary period, not exceeding a week at a time.

28. Sufficient notice of the tour programme should be given to the State Governments/other Departments or Undertakings concerned.

29. There should be no last minute changes in the tour programme by Study Groups as these result in considerable difficulties to the Railways, Airlines, concerned Government Departments and Officers.

30. Members shall avoid intermediate journeys during the tours. When transport is provided by Government/Undertakings during the tours of the Committee, such transport should be used for Committee work and not by individual members for distant private visits.

31. Members during tours, shall take particular care to maintain proper dignity and decorum so that no criticism is made of the Committee in any manner.

32. During the tour, if a member falls ill and the doctor advises him not to undertake further tour, he shall follow the doctor's advice.

33. No member shall give press statements regarding Committee proceedings. Whenever any briefing of the press is required to be done, the same should be done by the Chairman of the Committee.

34. Members shall not accept any costly gifts during the tour. Members can, however, accept inexpensive mementos connected with the organisation visited.

35. The committee or Sub-Committee or study Group, while on tour, shall not accept any invitation for lunch or dinner or other hospitality that might be extended by any private party. At the official lunches or dinners, if any, that might be accepted by the Committee or Sub-Committee or Study Group, no liquor should be allowed to be served.

36. No member shall take any other person during the official tours. An attendant or member's spouse may accompany a member on medical grounds with the prior permission of the Chairman of the Committee. In such cases, the member shall bear all expenses including hotel charges in respect of his/her spouse or attendant. In case, a member is found having any accompanying person without prior permission, he/she would not only bear all the expenses of such a person but would also stand automatically debarred from undertaking any Committee tour thereafter.

37. The spouse or attendant of a member in no case, shall accompany Committee members during official visit to any installation, undertaking, office or establishment and during informal discussions with officers of the concerned establishment, undertaking, etc.

38. The provisions of clauses 15 to 37 would be applicable *mutatis mutandis* to Committees of Legislatures of States and Union Territories and their members.

PART V

CODE OF CONDUCT DURING DELEGATIONS TO FOREIGN COUNTRIES

39. (i) Members should adhere to protocol norms during the visits to foreign countries.

(ii) While participating in the International Conferences, members should follow rules, guidelines, conditions etc. as may be provided for in the Statutes/Rules and/or as may be fixed by the organisers.

(iii) During visit of Parliamentary delegations to other countries, no member shall give press statements regarding visit. Whenever any briefing of the press is required to be done, the same shall be done by the leader of the delegation.

PART VI

CODE OF CONDUCT FOR MEMBERS OUTSIDE PARLIAMENT AND LEGISLATURES OF STATES AND UNION TERRITORIES AND GENERAL ETHICAL PRINCIPLES

Code of Conduct for members outside the Parliament and Legislatures of States and Union Territories

40. Information given to members in confidence or by virtue of their being members of Committees of Parliament/Legislatures of States and Union Territories shall not be divulged to anyone nor used by them directly or indirectly in the profession in which they are engaged, such as in their capacity as editors or correspondents of newspapers or proprietors of business firms and so on.

41. A member shall not try to secure business from Government for a firm, company or organisation with which he is directly or indirectly concerned.

42. A member shall not give certificates which are not based on facts.

43. A member shall not make profit out of Government residence allotted to him by sub-letting the premises.

44. A member shall not unduly influence the Government officials or the Ministers in a case in which he is interested financially either directly or indirectly.

45. A member shall not receive hospitality of any kind for any work that he desires or proposes to do from a person or organisation on whose behalf the work is to be done by him.

46. A member shall not in his capacity as a lawyer or a legal adviser or a counsel or a solicitor appear before a Minister or an executive officer exercising quasi-judicial powers.

47. A member shall not proceed to take action on behalf of his constituents on some insufficient or baseless facts.

48. A member shall not permit himself to be used as a ready supporter of anybody's grievances or complaints without verifying facts.

49. A member shall not endorse incorrect certificates on bills claiming amounts due to him.

50. A member shall not elicit information from Government in an unauthorised manner by inducing a subordinate official to give information which in the course of his normal functions he should not do. Nor shall he encourage any such person to speak to him against his senior officials on matters of public importance and policy.

51. A member shall not write recommendatory letter or speak to Government officials for employment or business contacts for any of his relations or other persons in whom he is directly or indirectly interested.

General ethical principles with which members should abide

52. Members must utilise their position to advance general well being of the people.

53. In case of conflict between the personal interest of members and public interest, they must resolve the conflict so that personal interests are subordinated to the duty of their public office.

54. Members shall resolve conflict between private financial interests/family interest and public interest in a manner that the public interest is not jeopardised.

55. Members holding public offices shall use public resources in such a manner as may lead to public good.

56. Members shall keep uppermost in their mind the fundamental duties listed in Part-IVA of the Constitution.

57. Members shall maintain high standards of morality, dignity, decency and values in public life.

PART-VII

PROCEDURE FOR DEALING WITH COMPLAINTS REGARDING BREACH OF CODE OF CONDUCT

58. The Presiding Officer or the House, as the case may be, may *suo motu* take up for consideration cases of breach of the Code that have taken place in the House.

59. In other cases the Speaker/Chairman may refer complaints regarding violation of Code of Conduct to Committee on Ethics or in its absence to the Committee of Privileges for examination and report.

PART-VIII

PUNISHMENT FOR BREACH OF CODE OF CONDUCT

60. In case of violation of the Code of Conduct, the Presiding Officer or the House, as the case may be, can impose any of the following punishments/penalties:

(a) Admonition;

(b) Reprimand;

(c) Censure;

(d) Withdrawal from the House;

(e) Suspension from the service of the House for a specific period; and

(f) Any other penal action considered appropriate by the House.

ANNEXURE-III

BACKGROUND PAPER ON "DISCIPLINE AND DECORUM IN PARLIAMENT AND STATE LEGISLATURES"

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I. Discipline and decorum at the time of Addresses by the President/Governors to the Houses of Parliament/Legislature

The Constitution of India provides for an opening Address by the President (Art. 87) and the Governor (Art. 176) at the commencement of the first session after each general election and at the commencement of the first session of each year of Parliament and the State Legislature, respectively.

The President's/Governor's Address is supposed to be a statement of the policy of the Government and as such, it is drafted by the Government which is responsible for its contents. It contains a review of the activities and achievements of the Government during the previous year and sets out the policies which it wishes to pursue with regard to important matters. It also indicates the main items of legislative business which are proposed to be brought during the sessions to be held in that year.

Thus, it is a constitutional obligation for the President/Governor and he delivers his Address in his capacity as the Head of the State (of the Union or of the State, as the case may be). It would be clear that where the Head of the State *viz* the President/Governor, acts in exercise of a constitutional provision and requires the attendance of members of the Legislature to hear his Address, solemnity and dignity are of the utmost importance. The President/Governor represents executive authority; he is, in a sense, a symbol of the Constitution. This solemn occasion should, therefore, be marked by dignity and decorum.[1]

Further, according to Article 79, Parliament consists of the President and the two Houses. Similarly, under Article 168, the Governor is a part of the Legislature. As such every member must show due respect to the President/Governor while he is discharging his constitutional duty in order to uphold the dignity of Parliament/Legislature.

In this connection, the following observation made by Mr. Speaker M.A. Ayyangar in his address to the Presiding Officers' Conference at Darjeeling in October, 1955, while speaking on the question of maintaining decorum and dignity on the occasion of President's/Governor's Address, is worth mentioning:—

> "A Governor is the constitutional Head of the State and is above party politics. His Address is a Statement of Government policy and he delivers it under statutory provision embodied in the Constitution itself. Solemnity and dignity on this occasion are of the utmost importance. Moreover, under the oath taken by him, the Member affirms his allegiance to the Constitution. Any untoward incident on his part is not only unbecoming of him and at variance with the oath taken by him but also a calculated injury to the conception of the unity of the State".[2]

The Handbook for Members of Lok Sabha, clearly mentioned that the President's Address is the most solemn and formal act under the Constitution. Utmost dignity and decorum befitting the occasion is to be maintained. Any act or disturbance on the part of a member which mars the dignity of the occasion is punishable by the House to which he belongs.

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1. Report of the Committee on the Conduct of Certain Members during President's Address, New Delhi, Lok Sabha Secretariat, March 1963, pp. 5, 6.
2. *Ibid.*

Types and Causes of Disorder

Such incidents manifest in different forms such as obstructing the entry of the dignitary to the House, obstructing the address by hooting and howling, throwing paper balls, by making parallel speeches and similar sorts of activities. Sometimes such incidents happen spontaneously on the spur of the moment and sometimes they take place as a result of calculated attempts. If it is a spontaneous action, it may subside and if it is a calculated one, it may persist until the speech is over.[3]

In the case of a disturbance caused spontaneously, only one or two or rather a handful of members would be involved. In such a contingency they might not even have the intention of marring the occasion. The incident may also end all of a sudden. The disturbances caused intentionally may subsist for a long time and several members or groups of members or the entire opposition might take part in it.[4] If the acts of disturbance are intentional, it may be really difficult to restore order.

No reason could be attributed for causing disturbances spontaneously. It might be due to some sentimental objection. For calculated commission of disturbances there might be several reasons. It might be to exhibit the displeasure over a policy of the Government or to demand a new policy. It might sometimes be political as well. In some cases, it might be for the purpose of publicity. Sometimes, the disturbance might be caused out of an innocent mistake while sometimes, it might be caused with willful intentions.[5]

Some Suggestions for Consideration

Promotive Action

In the context of maintaining discipline and decorum during the President's/Governor's Address, promotive measures assume great relevance. Promotive or preventive action will include a healthy atmosphere for observance of rules, customs and conventions by the members in this regard. Promotive action involves explaining to the members that the Address delivered by the Head of the Nation or the State is the Address prepared by the Executive. If the Address is to be opposed or criticised, one can always do so on the floor of the House when the Address is taken up for discussion. This can be impressed upon by calling a meeting of the leaders of the parties in the Legislature before the commencement of the session. The Speaker/Presiding Officer may take initiative in this regard and impress upon the leaders to desist from demonstration when the Address is being delivered. In such meetings, besides discussing the manners to be observed during President's/Governor's address, the issue of disturbances in the House can also be discussed.[6] Political parties, their leaders and whips, can help a great deal in maintaining decorum in the House. If they tell their members in their party meetings not to create disturbances during the President's/Governor's Address that will become more effective. It may be impressed upon the members that the requirement of maintaining discipline and decorum during the Address is not a restriction on their right to debate, protest and dissent in parliamentary institutions, but a parliamentary nicety to enable the President/Governor to discharge his constitutional obligation. Political parties should encourage self-discipline on the part of their members to ensure that there is no denigration of the Parliament, the President or the Governor.

Punitive Action

The constitutional provisions and legal position with regard to the powers of the President *vis-a-vis* the Speaker/Chairman and that of the Governor *vis-a-vis* the Speaker/Chairman as regards

3. Adapted from the Proceedings of the Conference of Presiding Officers (P.O.'s Conference), Gandhinagar, 29 May, 1992, p. 45.
4. *Ibid.*
5. *Ibid.*, p. 46.
6. Proceedings of Conference of Presiding Officers, Gandhinagar, May, 1992, p. 79.

taking disciplinary action against an erring member for misbehaviour or misconduct during President's/Governor's Address is worth-considering in this regard.

The assembly of members of Lok Sabha and Rajya Sabha to hear the President's Address under Article 87 (1) is deemed to be neither a joint sitting of both the Houses nor a sitting of Lok Sabha nor of Rajya Sabha. When the President addresses the Houses under the said article, he functions as a limb of Parliament. When he discharges the constitutional function of addressing the two Houses, he is in-charge of the proceedings of the House until his Address is completed. For the purpose, he may conduct the proceedings in an appropriate manner, consistent with his position and dignity as well as the dignity and status of the Houses. Although the President is in-charge of the proceedings, neither he, nor the Chairman of Rajya Sabha, nor the Speaker of Lok Sabha, nor any other person can be said to preside at the meeting of the Members of the two Houses assembled together for his address under the said Article[7].

However, the President is deemed to exercise control over the members. He can call the members to order, and may ask a member to leave the meeting if the Member rises to speak, makes any demonstration or otherwise disrupts the meeting. Action against such member may, thereafter, be taken by the House to which he belongs.[8]

Similarly, when the Governor addresses the State Legislature under article 176.... there is no sitting of the Legislative Assembly until after the Address of the Governor is over and the regular business of the House is taken up. Further, there is no question of the Speaker then presiding over the Legislative Assembly of the State as its principal officer. The Speaker is not, therefore, in-charge of the proceedings and cannot control the proceedings regarding the Address given by the Governor under Article 176 as a limb of the State Legislature.....[9]

It is clear from the above that when the Governor of a State addresses the Legislative Assembly of the State under article 176, he is in-charge of the proceedings of the House until his address is completed. It is left to him to conduct the proceedings in an appropriate manner, consistent with the dignity and status of the House. Consequently he is responsible for maintaining order and discipline during the period the proceedings regarding his address continue. In view of the above it is open to the Governor functioning under article 176 to expel any member of the Legislative Assembly who disrupts the proceedings, by behaving in a manner not consistent with the dignity of the House.[10]

In the light of aforesaid constitutional ambiguity, the recommendations of the Committee on the *Conduct of a Member during President's Address** (1971), Fifth Lok Sabha, are significant. In, its Second Report presented to the House on 14 April, 1972, the Committee *inter-alia* recommended the following:—

> "That a new article 87 A may be inserted in the Constitution so as to expressly provide that the President shall preside on the occasion of his Address to the House (s) of Parliament under Article 86 or Article 87 of the Constitution. An amendment may also be made to Article 118 of the Constitution to provide that the President, after consultation with the Chairman, Rajya Sabha, and the Speaker, Lok Sabha, may make rules as to the procedure for maintenance of order, dignity and decorum on the occasion of the President's Address. The Committee also recommend that similar constitutional provisions may be made in respect of the Governor's Address to a State Legislature under Article 175 or Article 176 of the Constitution."

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7. M.N. Kaul & S.L. Shakdher, *Practice and Procedure of Parliament*, Lok Sabha Secretariat, New Delhi, 1991, pp. 165, 166.
8. *ibid.*
9. Opinion given by Ministry of Law, laid on the Table of Lok Sabha, on 23 March, 1966 in reply to Starred Question No. 713.
10. *Ibid.*

* Please *see* Annexure-I for the excerpts from the Report of the Committee.

The Committee also formulated six guidelines[11] for observance by members during President's Address and recommended that the guidelines may be adopted by the House (s). However, no steps have been taken so far to make these guidelines effective.[12]

II. Discipline and Decorum in the House

Besides disturbances during President's/Governor's address, the growing incidents of indiscipline, disorder and indecorous behaviour by members on the floor of the House are a matter of general concern. In spite of inbuilt devices in the Rules of Procedure, and, above all, the powers and authority vested in the Presiding Officers, they find it increasingly difficult to contain growing disorderly scenes inside the chambers to maintain discipline and decorum in the House.

The main reason is that in spite of opportunities available to members under various procedural devices, they try to raise issues which agitate their minds without the permission of the Chair and sometimes even by interrupting the proceedings of the House. They also try to raise issues in the garb of point of order or by way of classifications from the Ministers of Statements made by them, or ask the Chair to direct Ministers every now and then to make statements on issues which they feel are urgent. Members should use the available procedural devices to raise matters and cooperate with the Chair in ensuring smooth transaction of business. In case procedural devices are found inadequate, a few new procedures could be suggested for consideration by the Rules Committee/House. This would give more opportunities to members to speak.

Members may also feel frustrated if they—particularly those belonging to the opposition parties—do not get adequate time to raise matters they want to. Therefore, while transaction of Government business is necessary, reasonably adequate time for private members and the opposition parties should be provided, if not already available. With this end in view, wherever necessary the number of the sittings could be stretched up to 110-120 days.

The strengthening of the Subject Committee system is yet another alternative which may enable members to make a meaningful and greater contribution. Such Standing Committees may comprise members from both the Houses where the Legislature is bicameral. When the Budget is presented in the House, all the Demands for Grants can be referred to the Standing Committees. The Committees may discuss the Demands and send the reports. If they agree to the Ministries' proposals, it is well and good. If they do not agree, they may suggest modifications. Their reports may not be binding on the Legislature or the Ministry, but the members would get an opportunity to apply their mind to the subjects. The advantage of the Committee System would be that the Ministries' Demands can be examined thoroughly by members of the Committees. The second point is about Bills. A Bill is prepared in the Ministry and is presented to the House after approval by the Cabinet. In the first reading in the House, the Principles of the Bill may be discussed. At the second reading stage, the Bill may be referred to the Standing Committee. The Committee can discuss all the clauses extensively and come back to the House with the Report. The Third area which may be covered by the Standing Committees is with regard to major policies of the Government. For example, if a policy on environment is to be formulated, the concerned Ministry can formulate it and refer it to the Standing Committee or to the House first and then through the House to the Standing Committee. The Standing Committee can go into the subject and give a report, which may be discussed in the House.

Then, there are so many reports—reports of the public undertakings and many others relating to implementation of policies, etc. which cannot be discussed in the House in detail. These reports can be examined by the Standing Committees. However, every care should be taken to avoid duplication of effort and labour and the House, thereafter need not devote equal time

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11. Please *see* Annexure-I, pp. 256-257 for details.
12. "Disturbance during President's/Governor's Address", Journal of Parliamentary Information, Vol. XXXVII, No. 2, June, 1991, p. 161.

on discussing the reports of the Committees. There may be a provision for appending a dissenting note with the Report of the Committee. The member who gives a dissenting note and the Chairman of the Committee may be allowed to speak in the House. With the introduction of the Committee System, disturbances in the House may be reduced to some extent.*

There are sometimes demands by members for suspension of the Question Hour to discuss some other matter which may lead to uproarious scenes. Suspension of Question Hour should be avoided as far as possible. Only if there is something very urgent and serious then with the consensus of the House, it may be suspended. Even the Adjournment Motion is taken up after the Question Hour only. Demands to suspend the Question Hour which is primarily the time available to Private Members to seek information and ensure accountability of the Government, should not be encouraged.

Sometimes what happens is that some members want to raise in the House some matters and they have no idea that a decision has already been taken in the Business Advisory Committee to discuss them in the House. If they are also informed that these matters are going to be discussed in the House in two-three days time, they will not unnecessarily raise these matters. Therefore, there should be more interaction between Presiding Officers and the Party leaders; and the Party leaders in turn should advise their members to maintain discipline and decorum in the House.

The political parties, their leaders and Whips can play a crucial role. They can orient their members for positive behaviour and even discipline them. If there is unruly behaviour by a member, the party may even consider censuring him/her. The Whips of the Parties also may extend greater cooperation to the Chair in maintaining discipline and decorum.

Whatever may be the compulsion, political or otherwise, for raising pressing issues on the floor of the House, members should do so within the ambit of rules, practices and procedures and must maintain the prestige and dignity of the parliamentary institutions. The decorum and seriousness of the proceedings of the House require that no member should shout slogans of any kind, sit on *Dharna* or observe *Satyagraha* in the pit of the House. Besides, parliamentary etiquette demand that words containing insinuations and offensive and unparliamentry expressions should be avoided. A member, also should not obstruct proceedings, hiss or instruct when another member is speaking.

While members' cooperation is that primary requirement for the observance of these rules, the Presiding Officers assume a significant role in the maintenance of order, discipline and decorum in the House. Applications of the rules to the situation context is of equal importance. While the Presiding Officers should stick to rules, adroitness in application of rules is very crucial. While controlling the House, Presiding Officers should not lose control on themselves. The Presiding Officer should be poised and fair-minded. They should not only be fair-minded, they should also appear so and apply the rules even-handily to the members belonging to the treasury benches and to the opposition.

In this context the desirability of adopting by the Legislatures or different legislature parties, a code of conduct for legislators both inside and outside the House needs consideration by the Presiding Officers, party leaders and members. It may be mentioned that many guidelines for the conduct of members are already available—though in a scattered form—in rules of the House as also in various customs and conventions, written and unwritten.

Needless to say new members have to be groomed through proper training and orientation programmes. Legislatures, therefore, should have training centres for their members. Eminent Parliamentarians, senior and experienced members as well as former members can be invited

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* Seventeen Departmentally Related Standing Committees (DRSCs) were set up in April, 1993 in Parliament covering under their jurisdiction all the Ministries and Departments of the Union Government. Some of the State Legislatures have also adopted the Subject Committee System.

to give talks, lectures to the newly elected members. Through periodic meetings, elders may advise the newly elected members. Video-recorded speeches of Presiding Officers and senior Parliamentarians on different subjects of Parliamentary interest including questions, budget and legislation, etiquette and manners can be very useful for the newly elected members for their better and effective performance. Topics may be selected and well prepared before the recording of the speech. These video-recorded speeches may be both in English and Hindi. Through these video talks, the experiences of the Presiding Officers and senior Parliamentarians will be available allover the country.

III. All India Conference on 'Discipline and Decorum in the Parliament and State Legislatures'

A two-day All India Conference on 'Discipline and Decorum in the Parliament and State Legislatures' was held in New Delhi on 23 and 24 September, 1992. The Conference was attended by the Presiding Officers, Ministers of Parliamentary Affairs, Leaders of Parties and Party Whips, senior Parliamentarians and Legislators and senior Officers of Parliament and State Legislatures. The Conference deliberated on the need for more meaningful, effective and orderly functioning of the Houses of the Parliament and State Legislatures.

One of the significant suggestions made in the Conference was about the holding of Regional Conferences to discuss the issue at length with a greater involvement of State Legislatures. It was felt that if there was broad understanding on this, at least four Regional Conferences—one in the East, one in the West, one in the North and one in the South could be organised.

A noteworthy feature of the Conference was that there Presiding Officers, Ministers of Parliamentary Affairs, Leaders of Parties and Party Whips and senior Parliamentarians and Legislators adopted unanimously on the concluding day, a Resolution* *inter-alia*, complimenting the people of India for their continued faith in the principles and ideals of democracy; reiterating the responsibilities and duties of Legislators; suggesting that the political parties evolve a code of conduct for their Legislators and ensure its observance by them.

IV. Subsequent Developments

Deliberations by Conference of Presiding Officers of Legislative Bodies in India

The Conference of Presiding Officers of Legislative Bodies in India, held in New Delhi in October, 1996 deliberated upon the matter of conduct of members and adopted the following resolution:—

> "Conduct of the legislators inside and outside the House has come to be considered as a matter of very serious concern by the people in general. This has very grave implications for the dignity of the Legislatures and the future of the democracy. In this context, the constitution of Ethics Committees by Legislatures for ensuring basic standards of probity of the members should be examined with special reference to the establishment of such institutions by legislative bodies else where in the world".

Resolution adopted by Lok Sabha

2. The Eleventh Lok Sabha unanimously adopted a resolution on 1 September, 1997, the last day of the special session of Lok Sabha to commemorate the golden jubilee of Indian Independence.

The resolution *inter-alia* said:

> "That the prestige of the Parliament be preserved and enhanced, also by conscious and dignified conformity to the entire regime of Rules of Procedure and Conduct of Business of

*For the text of the Resolution, please *see* Annexure-II.

the Houses and Directions of the Presiding Officers relating to orderly conduct of business, more especially by—

— maintaining the inviolability of the Question Hour.

— refraining from transgressing into the official areas of the House, or from any shouting of slogans, and

— invariably desisting from any efforts at interruptions or interference with the address of the President of Republic.

3. In pursuance of the resolution adopted by the Presiding Officers Conference during 1996, recommending setting up of Ethics Committees in Indian Legislatures, endeavours in this respect began in the right earnest.

Ethics Committee—Rajya Sabha

4. An Ethics Committee of Rajya Sabha was constituted on 4 March, 1997, which has the distinction of being the first Ethics Committee in India. The Committee presented their First Report* to the Rajya Sabha on 8 December, 1998. In this Report the Committee laid down a broad framework of Code of Conduct for members and made certain recommendations covering various ethical and other related aspects. The Committee in their Second Report presented to the Rajya Sabha on 13 December, 1999, *inter alia* laid down procedure for (a) making an ethics complaint; and (b) inquiry into such complaints. The Committee also recommended for imposition following penalties on members who are found to have indulged in an unethical behaviour or other misconduct or for having contravened the code/rule:—

(a) Censure;

(b) Reprimand;

(c) Suspension from the House for a specific period; and

(d) Any other penalty considered appropriate by the House.

Ethics Committee—Lok Sabha

5. However, even before constitution of Ethics Committee in Rajya Sabha, the Committee of Privileges (Eleventh Lok Sabha) undertook the preliminary ground work in this respect. After a detailed study, the Committee presented their report** on Ethics, Standards in Public Life, Privileges, Facilities to members and other related matters. This report dwelt in detail upon the various aspects of parliamentary privileges, obligations of members to the electorate and need for ensuring Code of Conduct/Standards for members. The pivotal recommendation in the Report was to rename the Committee of Privileges as Committee on Ethics and Privileges. In their report the Committee *inter-alia* recommended that a definitive Code of Conduct for members may be evolved and placed before the House for deliberation and adoption. The Code of Conduct may cover suggestions re. (i) administering of the Code; (ii) complaints in respect of breach of the Code; and (iii) sanctions for violations of the Code.

6. The recommendations made by the Committee of Privileges (Eleventh Lok Sabha) in their Ethics Report could not be considered due to premature dissolutions of Eleventh & Twelfth Lok Sabha.

7. This unfinished task was taken up by the Committee of Privileges (Thirteenth Lok Sabha). After due deliberation, the Committee without any prejudice to there recommendations contained in the Ethics Report of their predecessor Committee, recommended in their First Report, presented to the Speaker, Lok Sabha on 4 April, 2000 and laid on the Table of the House on 18 April, 2000, that a separate Ethics Committee be constituted in Lok Sabha.

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*For gist of recommendations please *see* Annexure-III.

**For gist of recommendations please *see* Annexure-IV.

8. Subsequently on 16 May, 2000, the Speaker, Lok Sabha constituted a 15-member Committee on Ethics under the Chairmanship of Shri Chandra Shekhar, MP. The terms of reference of the Committee are as under:—

(a) to oversee the moral and ethical conduct of the members, and

(b) to examine the cases referred to it with reference to ethical and other misconduct of the members.

The Committee is presently in the process of examining ethical matters besides evolving a Code of Conduct for members.

Endeavours by State Legislatures

9. Ethics Committee, Andhra Pradesh Legislative Assembly constituted on 29 April, 1998 presented their First Report on 'Code of Conduct for Legislators in and outside the Legislature' to the Legislative Assembly on 17 November, 1998. The Ethics Committee, Orissa Legislative Assembly presented their First Report to the Legislative Assembly on 18 December 1999. In both these Reports recommendations were made regarding rules of conduct for members both inside and outside the House. The recommendations made in these Reports are broadly on the lines of already laid down ethical norms in the Rules of Procedures and Conduct of Business in Lok Sabha and other well established conventions that evolved in Lok Sabha.

Incidents of disorder in the Gujarat Legislative Assembly

10. The Eighth session of the Gujarat Legislative Assembly commenced on 19 March, 2001 on a discordant note. Due to prevailing uproarious scenes and disorder, Shri Sunder Singh Bhandari, Governor of Gujarat was forced to curtail his address. Disorderly scenes continued during the sitting of the House on 19 as well as 20 March, 2001. On 21 March, 2001 during discussion on situation arising out of the natural calamity of earthquake and drought conditions in the State, the Leader of the Opposition alleged that MLAs and Ministers of the ruling party siphoned off the relief material for earthquake victims received from abroad. This was strongly objected to by the members of the ruling party and, they demanded that the Leader of Opposition may either substantiate the allegations or otherwise, tender an apology.

The Deputy Speaker in his ruling that day directed the Leader of the Opposition to express regret since he could not substantiate his allegations. The Leader of the Opposition however, did not do so. On 22 March, 2001 the Minister of Parliamentary Affairs on a point of order submitted that the Leader of Opposition by not heeding to the directive of the Chair, committed a breach of privilege and contempt of the House. After lengthy deliberations, the Speaker upheld the point of order. Thereafter, on a motion moved by the Minister of Parliamentary Affairs, with the consent of the Speaker, the Leader of the Opposition was suspended for the remainder of the session.

This led to disorderly scenes in the House by other members of the House which, in turn, led to their suspension too for the remainder of the session.

The suspended members, along with other opposition members gheraod the Speaker's Chamber and made attempts to assault the Speaker by throwing chairs and other articles on him. Subsequently all members of the opposition, who were presented on that day, barring one lady member, were suspended for the remainder of the Session.

11. Shri Dhirubhai Shah, Hon'ble Speaker, Gujarat Legislative Assembly addressed a letter* dated 25 March, 2001 to the Hon'ble Speaker, Lok Sabha apprising him of the above incident and submitted that the issue required serious consideration.

12. Hon'ble Speaker, Lok Sabha in his reply to Shri Dhirubhai Shah strongly deprecated the incident and opined that it was about time that all Presiding Officers of Legislative Bodies should

*For text of the Letter and details of the incident please *see* Annexure-V.

sit together and give a serious thought to this growing malaise of disorderly conduct by legislators. He further opined that this matter could be appropriately discussed during next Presiding Officers' Conference.

He further stated that it is also proposed to hold a high level Conference of Presiding Officers, Chief Whips, Leaders of Opposition and various political parties/groups in the Parliament and State Legislatures to discuss measures to contain this trend and to effectively maintain discipline and decorum in the House.

13. Subsequently, Shri Dhirubhai Shah *vide* his letter** dated 12 April, 2001, addressed to the Hon'ble Speaker, Lok Sabha expressed thanks for the moral support extended to him and at the same time proposed remedial measures.

The disorderly conduct by legislators in the Gujarat Legislative Assembly has brought to the fore the alarming proportions that the trend of members in Legislatures all over the country has, of late, assumed in disregarding the authority of Presiding Officers. This incident reinforces the urgency for taking effective measures to tackle this growing malaise before parliamentary values are further eroded and things go beyond the point of no return.

Deliberations at the 64th Conference of Presiding Officers of Legislative Bodies in India.

At the 64th Conference of Presiding Officers of Legislative Bodies in India held at Chandigarh, the Presiding Officers on 28 and 29 June, 2001 had indepth deliberations on the point regarding "Need to evolve a Code of Conduct for legislators and steps to contain frequent adjournments of the Legislatures on account of interruptions".

On 29th June, 2001, Hon'ble Speaker, Lok Sabha and Chairman of the Conference while summing up the deliberations held at the Conference *inter-alia* observed as follows:—

> "A view has been expressed in this Conference for convening another high level Conference in this context. I also strongly feel that a time has come when the Presiding Officers of Legislative Bodies in India should again sit together with the Leaders and Chief Whips of Parties in Legislatures in High level Conference and give a serious thought to this growing malaise before Parliamentary values are further eroded and things go beyond a point of no return.
>
> I, therefore, propose to convene a high level Conference of Presiding Officers, Leaders of Parties in Parliament and State Legislatures, Ministers of Parliamentary Affairs, Chief Whips and others sometime in August-September this year to discuss measures to contain this trend and to effectively maintain discipline and decorum in the House."

First Report of the Committee on Ethics, Lok Sabha

The Committee on Ethics, Lok Sabha, have since finalised their Report* on "Ethics Related Matters"

On 31 August, 2001 Shri Chandra Shekhar, Chairman, Committee on Ethics presented the First Report of the Committee on "Ethics related matters" to the Hon'ble Speaker, Lok Sabha.

The Committee in their Report have recommended that all existing norms of ethical behaviour for members as provided in the Rules of Procedure and Conduct of Business in Lok Sabha, Directions by the Speaker, be strictly enforced. The Committee, apart from recommending observance of certain general ethical principles by members have also recommended procedure for making complaints relating to unethical conduct of a member and financial disclosures/ declaration of interests by members.

**Please *see* Annexure-VI.

*For gist of recommendations please *see* Appendix-VII.

ANNEXURE-I

To the Background Paper

EXCERPTS FROM REPORT (II), OF THE COMMITTEE ON THE CONDUCT OF A MEMBER DURING PRESIDENT'S ADDRESS, 1971 (FIFTH LOK SABHA)

9. Articles 86 and 87 of the Constitution provide *inter-alia* as follows:—

"86 (1) The President may address either House of Parliament or both Houses assembled together, and for that purpose require the attendance of members.

* * * *

"87 (1) At the commencement of the first session after each general election to the House of the People and at the commencement of the first session of each year, the President shall address both Houses of Parliament assembled together and inform Parliament of the causes of its summons.

* * * *

10. The Constitution does not, however, contain any specific provision in regard to the person who is to preside on the occasion of the President's Address to members of Parliament under Article 86 or Article 87 of the Constitution.

11. In this connection, the Committee have also noted the following observations made by the Speaker, (Dr. G.S. Dhillon) in the House on the 2nd April, 1971, when the motion for reference of this matter to the Committee was adopted:—

"Personally, I also believe that there is some lacuna. This matter was discussed in the Presiding Officers' Conference and I happened to be the Presiding Officer of a State Legislature at that time. Later on, we had to face certain situations elsewhere also. Nobody knew as to who presides over such kind of sittings. Actually, I was not sure as to what is the position. Sometimes we evolved a formula that if a member of the Lower House created disorderly scenes, it is for the Speaker to go into it, and if it is in respect of a member of the Upper House, the Chairman. But when we got it examined by the legal experts, this was not found as a correct procedure as to who is presiding—leave aside what is the proper procedure for punishing such a conduct. This position is not known, as to who actually is presiding over that session...Let us get the whole matter examined by a Committee as to who presides, who is the constitutional lacuna, what type of conduct we expect from members when the Head of the State is addressing the joint sitting, etc. All these matters have been examined off and on by State Legislatures and even in this House once or twice in 1963 and 1968, but so many views have been expressed on it. It is much better the amendment is such as would enable us to re-examine the whole issue. Even if there is a need for a constitutional amendment, we should not shirk it. Let us finish with it once and for all. What can the President do? There is no authority either of the Speaker or of the Chairman of the Rajya Sabha. Should we allow ourselves to be held to ransom and keep on watching the disorderly scene? The President has patience, but there is a limit to it. Let us get it examined."[3]

[3] L.S. Deb., 2.4.1971, cc. 219-21.

12. The Committee find that it has been consistently held from the time of the first Central Legislative Assembly in 1921 that when members of Parliament/Legislature assemble together to listen to the Address of the Head of the State, the result is not a sitting of the House(s). Further, there is no provision in the Constitution for treating the assembly of both Houses of Parliament to listen to the President's Address as a joint sitting of both the Houses at which the Speaker may preside and regulate the proceedings and maintain order, as contemplated in regard to a joint sitting of both Houses in cases of disagreement between the Houses on a non-Money Bill, under Article 108 of the Constitution.

On the question whether the meeting of the members of the legislature to listen to the President's/Governor-General's Address constituted a sitting/joint sitting of the House(s) of the Legislature, the first President of the Central Legislative Assembly (Sir Frederick Whyte) ruled as follows:—

> "When the Governor-General, acting under the provisions of section 63A (3) or 63(b), Government of India Act, requires the attendance of either Chamber of both, the result is not a 'joint sitting' of the two Chambers nor is it a 'meeting' of either Chamber. A 'meeting of the Legislative Assembly is only duly constituted when Mr. President (now Speaker) has taken the Chair."

In 1936, the then President (Speaker) of the Central Legislative Assembly, Sir Abdur Rahim, agreed with the above view of his predecessor, Sir Frederick Whyte.[4]

13. In regard to the constitutionality and propriety of the action of the Governor of Rajasthan in expelling certain members for creating disorder at the time of the Governor's Address on the 26th February, 1966, the Ministry of Law, in their opinion,[5] which was laid on the Table of the Lok Sabha on the 23rd March, 1966 by the then Minister of State in the Ministry of Home Affairs (Shri Jaisukh Lal Hathi), stated *inter alia* as follows:—

> "When the Governor addresses the State Legislature under Article 176... there is no sitting of the Legislative Assembly until after the Address of the Governor is taken up. Further, there is no question of the Speaker then presiding over the Legislative Assembly of the State as its principal officer. The Speaker is not, therefore, in charge of the proceedings and cannot control the proceedings regarding the Address given by the Governor under Article 176 as a limb of the State Legislature....
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> *** *** ***
>
> It is left to him (Governor) to conduct the proceedings in an appropriate manner consistent with the dignity and status of the House. Consequently, he is responsible for maintaining order and discipline during the period the proceedings regarding his Address continue... It is open to the Governor functioning under Article 176, to expel any member of the Legislative Assembly who disrupt the proceedings of the Assembly by behaving in a manner not consistent with the dignity."

In the same case, the Rajastahan High Court, while dismissing the writ petitions preferred by the members who had been expelled by the Governor of Rajasthan, observed *inter alia* as follows:—

> "As regards the action of the Governor in expelling them from the Assembly Hall on 26th February, 1966, we are not persuaded to entertain that matter in the exercise of our discretionary powers under Article 226 of the Constitution... We have no doubt about the powers of the High Court in seeing that the various authorities created by the Constitution, including the Legislatures and the Governors, remain within the bounds of their authority

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[4] L.S. Deb., 16.9.1936, pp. 1142-43.
[5] *See* pages 27-28.

demarcated by Constitution, but... the matter regarding the alleged breach of privilege against the Governor is still pending with the Speaker and, therefore we are not inclined to entertain the matter. It is primarily for the House to vindicate its privileges by its own processes if it considers it necessary to do so."

(A.I.R. 1967, Rajasthan 123)

14. The matter has also been considered by the Conference of Presiding Officers of Legislative Bodies in India held from time to time.

In June, 1954, speaking on the question of walk-outs and interruptions by the Members during Governor's Address to a Legislature, the Chairman of the Conference (Mr. Speaker G.V. Mavalankar) observed:—

"To me it appears to be more or less a question of Parliamentary manners and it is better that this kind of mannerism be developed so that there is an absence of any kind of demonstration. I am afraid, any attempt to make a rule is more likely to worsen the situation and more likely to put up the backs of those who oppose.... what the Governor says is nothing but a statement before the Assembly of the programme of Government for the session. There is nothing beyond that, especially in view of the opportunity afforded later on for having a discussion on the Address of the Governor or the Rajpramukh or the President. There is absolutely no occasion for raising any points during the Address. There, however, seems to be an opinion that some rule is necessary, rule in the sense of a rule carrying some sanction with it, the breach of which will make a person, liable to some penalty. That also has a number of difficulties... In the first place, is there any meeting at all? If there is no meeting, would it be consistent or proper for a member to be considered as having contravened certain rules of decorum and take him to task in the House to which he belongs?.. I think it is too early for us to make such a rule.... if we go to the root of the matter, perhaps we will find a solution in the creation of public opinion, and as time passed on... these things will disappear... legislators will begin to behave more responsibly as parliamentary democracy develops. We need not be so nervous ourselves that unless there is somebody to control us, we shall be all acting irresponsibly. I do not like that view."

In October, 1958, speaking on the point whether a House can take action against its members if they create rowdy scenes during the Governor's Address under Article 176 of the Constitution, the Chairman of the Conference (Mr. Speaker, M. Ananthasayanam Ayyanagar), observed *inter alia* as follows:—

"It is also a matter for consideration whether the Governor himself should not exercise all the powers of the Speaker at the time of his Address to the members at their joint sitting and maintain order during that meeting as the Legislature comprises of the Governor and the two branches of the Legislature. Then and there he may ask the disturbing member to withdraw from the House and he should be able to get him removed from the House in case of default on the part of the member to leave the House so that further proceedings may go on smoothly and his Address which he is enjoined by the Constitution to deliver is delivered without obstruction. If any further action than mere expulsion is called for in the opinion of the Governor, he may ask that branch of the Legislature to which the member belongs to take such further action as they may be advised."

Again in October, 1966 the Chairman of the Conference (Mr. Speaker, Hukam Singh), observed *inter alia* as follows:—

"Now it is not a meeting of the Legislature. It is not a meeting of any one House. Therefore, the question as to who will maintain order during the Governor's Address still remains undecided though it has to be regulated by the Governor himself; because he has called the members. The Speaker or the Chairman cannot take any action at that moment."

In July, 1970, in regard to a question as to how an indictable offence committed by a stranger or a member of a House of the Legislature is to be dealt with during the course of the Governor's Address under Article 176 of the Constitution, the Chairman of the Conference (Mr. Speaker, G.S. Dhillon) observed that in the meeting of the legislators, though by courtesy the Speaker and the Chairman sit by his side, it is essentially the Governor who keeps the control.

15. In this connection, the Committee have persued the Opinion[6] of the Ministry of Law, dated the 23rd July, 1971, on the following two questions referred to that Ministry at the instance of the Committee:—

(i) who presides at the meeting of the two Houses assembled together for the President's Address under Article 87 of the Constitution; and

(ii) what are the constitutional lacunae for the conduct of business at this meeting, if any.

The Ministry of Law, in their opinion stated *inter alia* as follows:—

"... when the President addresses the Houses of Parliament under Article 86 or 87 of the Constitution, the meeting of the two Houses cannot be considered to be a joint sitting of both Houses within the meaning of Article 108. Consequently, the Speaker would be unable to take steps to maintain order under the joint sitting rules.

.....since, there is no other Presiding Officer, it can be said that the President is in charge of the proceedings until the Address is completed.....It can be said that it is open to the President to take all steps necessary to ensure that this Address is not interrupted.

.....it would be open to either House to take action against those of its members who have been guilty of misconduct. The action can even extend to expelling the individual concerned.

.....the Constitution contains no specific provision as to the person who is to preside on the occasion when the two Houses of Parliament assemble together for the Address of the President under Article 87. It was presumably considered that on such occasions, no need would arise for any regulating authority in the belief that a proper standard of good manners and decorum could be expected of all concerned on such a solemn occasion as the President's Address to both Houses of Parliament under the said Article.

The absence of an express provision for the purpose would appear to be the only lacuna in this behalf, which can be cured by duly amending the Constitution for the purpose if the circumstances warrant the adoption of such a course."

16. The Committee also asked for the opinion of the Ministry of Law on the following two points:—

(i) Assuming that the President is in charge of the proceedings of the Houses when he discharges the constitutional function of addressing both Houses of Parliament assembled together under Article 86 or Article 87 of the Constitution, what are the disciplinary powers or authority of the President under the law to enforce order, dignity and decorum on the occasion of such Address or to take any action against any member or other person who interrupts the President or creates any other disturbance on that occasion? What are the legal or constitutional provisions under which the President derives such powers or is otherwise competent to exercise such disciplinary or penal powers?

(ii) If there is no specific legal or constitutional provision vesting the President with the aforesaid powers, what amendment of the law or Constitution would be necessary to vest the President with such powers?

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[6] *See* pages 29-30.

17. The Committee appointed a sub-Committee consisting of four members to consider the question whether any amendment of the Constitution would be necessary to provide for the maintenance of order, dignity and decorum on the occasion of the President's Address to Members of Parliament.

18. The sub-Committee considered the opinion[7] of the Secretary, Ministry of Law and Justice (Department of Legal Affairs), dated the 16th March, 1972 on the points referred to in para 16 above, which reads *inter alia* as follows:—

"...As the person in-charge of the proceedings, the President may take such action as may be necessary, including the removal of those members who obstruct the proceedings to ensure that the business which brings the two Houses together is duly carried out. The power to maintain order in the course of the President's Address is not derived from any particular statutory or constitutional provision.

.....There is no specific provision (in the Constitution) as to the person who is to preside on the occasion (of the President's address). The object may be achieved by amending the Constitution providing that at the joint sitting of both Houses on the occasion of the President's Address, the President shall preside. In the alternative, the amendment may provide that such joint sitting shall be deemed to be a joint sitting of both the Houses of Parliament as contemplated by Article 108. If any amendment is considered really necessary, the latter is preferable."

The sub-Committee also heard the Secretary, Ministry of Law and Justice (Department of Legal Affairs), who elucidated the views expressed in his aforesaid opinion.

19. The sub-Committee also considered a suggestion that the Speaker of Lok Sabha might preside on the occasion of the President's Address to both Houses of Parliament assembled together under Article 87 of the Constitution.

20. After careful consideration of the matter, the sub-Committee were of the view that if the Speaker presided on the occasion of the President's Address, it would become a regular joint sitting of the two Houses of Parliament. In that case, the Members would have the right to raise points of order etc. That itself would mark the dignity of the occasion and might sometimes lead to disturbance and affect solemnity which was sought to be preserved. Further, it might not be quite dignified and proper for the Speaker to exercise disciplinary powers over the members when the President was present.

The sub-Committee, therefore, were of the opinion that Article 87 of the Constitution might be suitably amended to expressly provide that when the President addressed either House of Parliament or both Houses of Parliament assembled together under Article 86 or Article 87 of the Constitution, he presided on that occasion. The sub-Committee were further of the view that the proposed constitutional amendment should also provide that the President, after consultation with the Chairman, Rajya Sabha, and the Speaker, Lok Sabha, might make rules for the maintenance of order, dignity and decorum on the occasion of the President's Address.

21. The Committee considered the views of, and the conclusions arrived at by, the Sub-Committee in the matter. The Committee also discussed the legal and constitutional aspects of the matter with the Minister of Law & Justice, who agreed with the views of the Sub-Committee.

22. The Committee are of the view that there is a lacuna in the constitutional provisions relating to the President's Address to the House (s) of Parliament under Article 86 or Article 87 of the Constitution inasmuch as there is no specific provision designating the person who is to preside on that occasion and maintain order, dignity and decorum at such a formal and solemn occasion.

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[7]see page 31.

23. The Committee have noted with concern that there have been an increasing number of incidents in recent years, both in Parliament as well as in State Legislatures, where during the Address of the President/Governor to the House (s) of Parliament/State Legislatures, Members created disturbances by interrupting the President/Governor, staging walk-outs or by other forms of misconduct. The Committee are of the opinion that effective measures must be taken to check and prevent recurrence of such incidents in the future in Parliament/State Legislatures.

24. The Committee have been greatly distressed by the recent incident in Parliament which occurred on the 13th March, 1972 when a certain group of members created disturbance by continuously interrupting the President during his entire Address and then staging a walk-out. This incident was also referred to the Committee by the Speaker in Lok Sabha on the 17th March, 1972, for consideration.[8] That groups of members should misconduct themselves and create disturbance during the President's Address should cause grave concern to all those who cherish the dignity of the institution of Parliament.

The Committee cannot but express their strong disapproval of the incident and deplore the action of all those members who misconducted themselves and created disturbance during the Presidents' Address to both Houses of Parliament assembled together on the 13th March, 1972.

25. The Committee feel that this particular incident underlines the need to take effective measures for preventing the recurrence of such incidents in future, as, in their view, such incidents tend to undermine the dignity and authority of the institution of Parliament itself by lowering the Parliament and its members in the eyes of the public.

26. The Committee feel that it is the duty of all political parties and others, both inside and outside Parliament, to create a strong public opinion which alone can effectively check such incidents.

At the same time, the Committee consider that the constitutional lacuna in this regard must also be removed by making a specific provision in the Constitution for the maintenance of order, dignity and decorum during the President's Address to House(s) of Parliament under Article 86 or Article 87 of the Constitution. A similar provision should also be made in the Constitution in respect of the Governor's Address to a State Legislature under Article 175 or Article 176 of the Constitution.

27. The Committee, after considering all aspects of the matter, agree with the conclusions arrived at by the sub-Committee that the Constitution should be suitably amended so as to expressly provide that the President shall preside on the occasion of his Address to the House(s) of Parliament under Article 86 or Article 87 of the Constitution, and also to provide that he shall be empowered to make rules, after consultation with the Chairman, Rajya Sabha, and the Speaker, Lok Sabha, for the maintenance of order, dignity and decorum on the occasion of his Address.

28. The Committee have also formulated the following guidelines for the conduct of members and maintenance of order, dignity and decorum on the occasion of the President's Address to the House(s) of Parliament under Article 86 or Article 87 of the Constitution:—

(1) When the President addresses either House of Parliament or both Houses of Parliament assembled together under Article 86 or Article 87 of the Constitution, he delivers his Address in his capacity as the Head of the State and as part of Parliament and in pursuance of his constitutional duty.

It is as much a constitutional obligation on the part of the members to listen to the President's Address with solemnity, dignity and decorum as it is on the part of the President to address Members of Parliament. Therefore, observance of solemnity, dignity and decorum by each and every member or any other person present on the occasion of the President's Address is of utmost importance.

[8]L.S. Deb., dt. 17.3.1972.

(2) Any action on the part of a member or any other person which mars in any form or manner the dignity or solemnity of the occasion of the President's Address or creates disturbance shall be tantamount to an act of discourtesy and disrespect to the President as well as contempt of the House.

(3) When members of either House or of both Houses assemble under Article 86 or Article 87 of the Constitution, they do so for the specific and only purpose of listening to the President's Address. This occasion is neither a sitting of their House nor a joint sitting of the two Houses. No business or proceeding other than the President's Address is permissible, under either of those two Articles. Therefore, any interruption, point of order, speech, demonstration or walk-out etc. by any member or other person on that occasion, is contrary to the provisions of the Constitution.

(4) No member shall, therefore, interrupt or obstruct the President's Address by any point of order, debate, discussion or in any other manner or otherwise mar the dignity of the occasion by walk-out or by any disorderly conduct or in any other manner, either before or during or after the Address, while the President is in the Hall.

(5) The President is in charge of the proceedings and fully competent to preserve order on the occasion of his Address. If any member or other person interrupts or obstructs the President's Address or mars the dignity of the occasion in any other manner, the President may give such directions as he may consider necessary to preserve order, solemnity and dignity of the occasion.

(6) If any member or other person interrupts or obstructs the President's Address to either House of Parliament or both Houses of Parliament assembled together, either before or during or after the Address, while the President is in the Hall, with any speech or point of order or walk-out or in any other manner, such interruption, obstruction or show of disrespect may be considered as a grossly disorderly conduct on the part of the concerned member or other person and a contempt of the House which may be dealt with by the House subsequently on a motion moved by a member.

III. Recommendations of the Committee

29. The Committee recommend that a new Article 87A may be inserted in the Constitution so as to expressly provide that the President shall preside on the occasion of his Address to the House(s) of Parliament under Article 86 or Article 87 of the Constitution. An amendment may also be made to article 118 of the Constitution to provide that the President after consultation with the Chairman, Rajya Sabha, and the Speaker, Lok Sabha, may make rules as to the procedure for maintenance of order, dignity and decorum on the occasion of the President's Address. The Committee also recommend that similar constitutional provisions may be made in respect of the Governor's Address to a State Legislature under Article 175 or Article 176 of the Constitution.

30. The Committee recommend that the guidelines for the conduct of members and maintenance of order, dignity and decorum on the occasion of the President's Address to House(s) of Parliament under Article 86 or Article 87 of the Constitution suggested by the Committee in para 28 above may be adopted by the House.

NEW DELHI;
The 12th April, 1972.

R.D. BHANDARE,
Chairman,
Committee on the Conduct of Member during President's Address.

I

Article 79 of the Constitution provides that the President and two Houses constitute the Parliament.

Members of the two Houses are not answerable to the President.

Member of one House is not answerable to the occupant of the Chair of the other House.

No member is answerable jointly to the Speaker and the Chairman and also jointly to the President and the Speaker and the Chairman.

When there is a joint session, members as representatives of the people meet the President face to face only at that Session and they have every right and even duty to convey to the President what they think of a particular matter or state of things. The President is not clothed with any authority to refuse to hear or to entertain grievances. His omission to do so will amount to failure to take proper note of the feelings of the chosen representatives of the people.

Article 105 (3) provides for codification of powers, privileges and immunity of the members of Parliament. There is no codification in this behalf and unless the power, privileges and immunities are defined no guidelines can be formulated for the conduct of members and with regard to the procedure to be followed during the President's Address, it will really amount to legislation which is beyond the competency of the Committee. There cannot be an *ad hoc* or piecemeal measure.

In a joint Session there cannot be a voting for taking the sense of the House because assembly of both Houses is not a House in the relevant context. What can be done in a joint Session and how it can be done in other sphere is laid down.

In the changing circumstances of the politically aggressive climate in the country, sensitiveness and touchy psychosis will retard progressive expansion of democracy. That is why so long the powers, privileges, and immunity have not been defined by law and the conventions of British House of Commons have been allowed to be operative in our country as permitted by Article 105.

The proposed measures are born of a vanity complex which is misfit in Parliamentary democracy.

The proposed guidelines are *ultra vires* of the Constitution.

I do not agree with the observations of the Committee in respect of the incident on 13th March, 1972 during President's Address.

In conclusion, it must be pointed out that much of the forms and paraphernalias of Presidential Address are based on the outdated legacies of colonial rule and they should be done away with in order to make the parliamentary institutions more responsive to popular processes.

NEW DELHI;
The 13*th April,* 1972.

DINEN BHATTACHARYA

II

I regret I have to put in this Note, but I have to do so because I do have some basic differences with the majority of the members of the Committee.

I share the distress of my colleagues at the unsavory incidents which have come, especially lately, to mar the dignity of a ceremonial occasion like the President's Address to members of both Houses of Parliament. I fear, however, that if it is imagined that by procedural changes, even to the extent of amending the Constitution, and by exhortations and appeals for what is considered good conduct, the disease can be remedied or even better, prevented, we shall be hugging an illusion.

Having myself once received a reprimand from the House on account of having said a few words (with all due respect) and led a walk-out before the President delivered his Address, I feel I can say something about the psychological processes behind such demonstration. Normally, no one would like to disturb in any way an occasion like the President's Address to Parliament. If, however, circumstances happen to be some what abnormal in the country, it might conceivably be the duty of Opposition parties in Parliament to focus attention on the people's discontents even on such an exceptional occasion. For myself, I believe that such gestures should be made with a certain innate dignity—a quality which was completely absent when some thirty or so members of both Houses made themselves ridiculous by shouting away insensately as the President was giving his Address this year. Such conduct deserves a rebuke, no doubt, but I cannot persuade myself to be a party to what the majority of the committee recommend, namely that any manner of "interruption" of the President's Address by a member of Parliament is *ipso facto* a "contempt of the House". I would very much like an occasion like the President's Address to be entirely "incident free",. But I would not like to work a remedy which in present circumstances, can hardly cure the disease. I would like, that is to say, to see a healthier and happier political atmosphere emerge in our country, and I would certainly not wish to force it by dangling parliamentary "sanctions".

I cannot, therefore, agree with the Committee's recommendations that the guidelines for the conduct of members, as suggested in the Report, should be adopted by the House. They are, I fear, couched in terms that are unduly, legalistic and somewhat omnibus in nature. Too solemn a view need not always be taken of the concept of the "dignity" of the House. To be able occasionally, even to laugh at oneself and not be unduly perturbed by what might seem to be an affront to self-esteem, is indeed a sign of real strength and self-confidence. This applies to institutions like Parliament as well as to individuals.

I am also opposed to the idea of a constitutional amendment in order to enable the President to maintain the requisite order and decorum in the meeting where members of both Houses assemble to hear his Address.

There seems to be an idea that if only one could posit responsibility for the conduct of proceedings on President's Address day on an identifiable person and vest him with the necessary authority, every thing would be lovely in the garden. From this follows the further idea that in all appropriateness the President, when physically present at a meeting, should be in charge of it since he is the First Citizen of the State. I fear this is a simplistic idea. The recent incidents which have disturbed us could neither be prevented nor rectified nor even mollified by Shri X having been vested with powers to control the meeting. The only real remedy is what our first Speaker, Shri Mavalankar, had envisaged, namely, the evolution of sound and healthy parliamentary practices and conventions.

The world in recent decades has changed drastically in many ways. To some of us it might seem deleterious, but our subjective reactions cannot change an objective situation. Nowhere in the world, not even in reputedly phlegmatic and respectable Britain, are Parliaments as well behaved as they supposedly were at one time. One may or may not like it, but that is not the

point. We live in a different kind of world, where society is a great deal more "permissive" than many of us would like it to be. Not that in institutions like Parliament, we should not stress the concept of dignity. We should, for dignity and decorum make for better work. But let us not try, even remotely, to put Parliament into strait-jackets.

I strongly oppose, therefore, the recommendation for a change in the Constitution by inserting a new Article. I go further and say that if changes in the Constitution are at all to be contemplated, let us apply our minds to the idea of doing away with the picturesque, but not particularly apposite, ceremonial aspects of the President's Address. Without the pomp and paraphernalia, redolent of a bygone way of life; the President's Address could be communicated to both Houses which could get on to their jobs without a somewhat idle, though attractive, intermission.

It should be remembered that the manner of the President's Address is a pseudo-British relic which we can, without loss or discomfort, decide to discard. We have already discarded some British conventions. The ceremonial is different from that in West Minster, were the King (or the Queen) addresses his (or her) faithful "Lords" and—at a distance—the "Commons". Members who propose and second the motion of thanks to the President for his Address do not have to wear the specified feudalistic attire still compulsory in West Minster. Not much is lost to life in New Delhi if the President does not have to drive in his ceremonial coach to Parliament House—for few people are there to line the route and get some enjoyment out of the sight. Nothing will be lost if a procedure is adopted whereby the President's Address, if Government wants it as a quintessential statement of its programme for the Budget Session, is soberly laid some time on the Table of both Houses. Let us not rush towards a constitutional amendment—which should be undertaken for more basic reasons—only to enable one or the other high dignitary to have the authority to control the assembly of 750-odd members of Parliament. If such an assembly seethes with excitement even in a part of it, procedural changes cannot calm the waters. That can only be done by ways of statesmanship which Parliament and Government must evolve in association.

While sharing, therefore, the distress of the Committee at certain recent happenings, and wishing that we could draw on our own inner resources to combat the root of such happenings, I regret I cannot agree with its two basic recommendations. I pin my hope on the good sense of the members, and also on the power that either House already possesses, to deal with ad hoc cases of undue recalcitrance or misbehaviour in the manner with which we have long been familiar.

NEW DELHI;
The 13th April, 1972.

H.N. MUKERJEE

OPINION GIVEN BY THE MINISTRY OF LAW LAID ON THE TABLE OF LOK SABHA ON 23.3.1966 IN REPLY TO STARRED QUESTION NO. 713.

Ministry of Law

Department of Legal Affairs

Chapter III in Part VI of the Constitution deals with the State Legislature. Relevant provisions of the said Chapter in their application to the State of Rajasthan are briefly examined below:

2. Article 168 of the Constitution provides that there shall be a Legislature for the State which shall consist of the Governor and the Legislative Assembly of the State. Thus the Governor of the State constitutes a limb of the State Legislature and is to be treated as a part and parcel of the Legislature, unless the context of an article otherwise requires.

3. As provided by article 176 (1) at the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor shall address the Legislature of the State and inform the Legislature of the causes of its summons. Thus the article imposes a duty on the Governor to address the State Legislature at the commencement of its first session of each year. The function of Governor, while addressing the Legislature, is to inform the Legislature as to the causes for which it has been summoned.

4. Article 176 (2) provides for rules being made for regulating the procedure of the House for the allotment of time of discussion of the matters referred to in the Governor's address.

5. Article 178 provides for the appointment of the Speaker and the Deputy Speaker of the Legislative Assembly as Officers of the State Legislature. The Speaker, and during his absence the Deputy Speaker, of the Legislative Assembly presides over the sittings of the Legislative Assembly except when a resolution for his removal from office is under consideration as contemplated in article 181 of the Constitution.

6. When the Governor addresses the State Legislature under article 176, he functions as an organ of the Legislature. In such a case there is no sitting of the Legislative Assembly until after the address of the Governor is over and the regular business of the House is taken up. Further there is no question of the Speaker then presiding over the Legislative Assembly of the State as its principal officer. The Speaker is not therefore in charge of the proceedings, and cannot control the proceedings, regarding the address given by the Governor under article 176 as a limb of the State Legislature.

7. In this connection attention may be invited to the following observations made on p. 290 of May's Parliamentary Practice (Seventeenth Edition) in connection with the opening of the new session of Parliament of the United Kingdom namely:—

> "When the Queen meets Parliament in person, she proceeds in state to the House of Lords, where, seated on the Throne, adorned with her crown and regal ornaments, and attended by her officers of state (all the lords being in their robes, and standing until Her Majesty

commands them to be seated), she commands the gentleman usher of the Black Rod, through the Lord Great Chamberlain, to let the Commons know 'it is Her Majesty's pleasure they attend her immediately, in this House'. The usher of the Black Rod goes at once to the aoor of the House of Commons, which he strikes three times, with his rod, and, on being admitted, he advances up the middle of the House towards the table, making three obeisances to the chair, and says 'Mr. Speaker, the Queen commands this honourable House to attend Her Majesty immediately in the House of Peers.' The Speaker, with the House immediately goes up to the bar of the House of Peers; upon which the Queen reads her speech to both Houses of Parliament, from a printed copy, which is delivered into her hands by the Lord Chancellor, kneeling upon one knee."

The solemnity of the occasion and the high respect and esteem shown to the Queen as the Head of the State at the time of her address to both the Houses of Parliament are quite clear from the above passage and may be followed as an example by the State Legislature on the occasion of the Governor's address under article 176 of the Constitution as limb of the Legislature.

8. It is clear from the above that when the Governor of the State addresses the Legislative Assembly of the State under article 176, he is in charge of the proceedings of the House until his address is completed. It is left to him to conduct the proceedings in an appropriate manner, consistently with the dignity and status of the House. Consequently he is responsible for maintaining order and discipline during the period the proceedings regarding his address continue.

9. In view of the above it is open to the Governor functioning under article 176 to expel any Members of the Legislative Assembly who disrupt the proceedings of the Assembly by behaving in a manner not consistent with the dignity and status of the House.

(*See* para 15 of Report)

OPINION OF THE MINISTRY OF LAW

MINISTRY OF LAW

Department of Legal Affairs

No. Law Secy-1901/71 Dated, July 22/23, 1971

OFFICE MEMORANDUM

Subject: Committee on the Conduct of a member during President's Address to both the Houses of Parliament on the 23rd March, 1971.

Will the Lok Sabha Secretariat please refer to its Office Memorandum No. 18/1/C1/71, dated July 3, 1971 on the above subject?

2. The first question is who presides at the meeting of the two Houses assembled together for the President's Address under article 87 of the Constitution. The article imposes a duty on the President to address both Houses of Parliament at the commencement of the first session after each general election to the House of the People. The function of the President, while addressing the Houses of Parliament under the article, is to inform Parliament as to the causes for which it has been summoned. The President is required to address the Houses as he forms a part or a limb of Parliament (*Vide* article 79).

3. The President's Address is business in Parliament. There is no definition of the expression "business in Parliament". However, having regard to the practice prevailing in the United Kingdom, it may well be urged that all that is done in Parliament after the House of the People is duly constituted and assembled after the general election is business in Parliament. The address of the President has to be regarded as business in Parliament, more so when it is subsequently debated in both the Houses.

4. When the Houses of Parliament are assembled together for the address of the President under article 87, the members of the two Houses are no doubt brought together for the aforesaid purpose. That does not, however, constitute a joint sitting of the Houses as contemplated by article 108. The cases in which, and the circumstances under which, such a joint sitting may take place have been set out in the said article. Assembly of both Houses together for the special address by the President under article 87 is not one of the cases mentioned in article 108 and is not therefore the joint sitting of both the Houses as contemplated by the latter article.

5. It follows that article 118 (3) and the Houses of Parliament (Joint Sittings and Communication) Rules made thereunder do not apply in the matter. It cannot therefore be said that the Speaker or any other person mentioned in rule 5 of the said Rules presides at the meeting of two Houses assembled together for the President's Address under article 87 of the Constitution.

6. There is no specific provision in the Constitution providing as to who is to preside on the occasion when the Houses of Parliament are assembled together for the President's Address

under article 87. Probably it was not thought necessary to do so in view of the solemnity of the occasion and the high status and position of the President as the head of the Union. When the President addresses the Houses under the said article, he functions as a limb of Parliament. When he discharges the constitutional function of addressing the two Houses he is in-charge of the proceedings of the Houses until his address is completed. For the purpose he may conduct the proceedings in an appropriate manner, consistently with his position and dignity as well as the dignity and status of the Houses.

7. The President is not and cannot be a member of either House of Parliament (*Vide* article 59 (1) of the Constitution). It follows that although he may be regarded as being in-charge of the proceedings until the address is completed, he (being not a member of Parliament) cannot be said to preside over the meetings of the two Houses assembled together for his address under article 87.

8. It follows that although the President is in charge of the proceedings, while he is giving his special address to the Houses under article 87, neither he nor the Speaker nor any other person can be said to preside at the meeting of the two Houses assembled together for his address under the said article.

9. The second question is what are the constitutional lacunae, if any, for the conduct of business at the meeting under article 87. As observed above the Constitution contains no specific provision as to the person who is to preside on the occasion when the two Houses of Parliament assemble together for the address of the President under article 87. It was presumably considered that on such occasions, no need would arise for any regulating authority in the belief that a proper standard of good manners and decorum could be expected of all concerned on such a solemn occasion as the President's address to both Houses of Parliament under the said article.

10. The absence of an express provision for the purpose would appear to be the only lacuna in this behalf, which can be cured by duly amending the Constitution for the purpose if the circumstances warrant the adoption of such a course.

11. I see no real necessity to amend the Constitution for the purpose aforesaid, nor do the circumstances warrant the adoption of such a course. The present practice prevailing in this behalf may continue, more so when no serious difficulty has been experienced in this behalf for the last twenty-one years ever since the Constitution came into force. Such matters should be left to be governed by conventions, which may be developed having regard to the solemnity of the occasion, and not by amendment of the Constitution, which should be resorted to which circumspection on more serious occasion in the larger interests of the country as a whole.

To

Lok Sabha Secretariat
(Shri S.L. Shakdher, Secretary),
Parliament House, New Delhi.

Sd/-
R.S. GAE,
Secretary.

(*See* para 18 of Report)

MINISTRY OF LAW & JUSTICE

(Department of Legal Affairs)

No. Law Secy.-620/72

New Delhi,

March 16, 1972

OFFICE MEMORANDUM

Subject: Committee on the Conduct of a member during President's Address to both the Houses of Parliament on the 23rd March, 1971.

Will the Lok Sabha Secretariat please refer to its Office Memorandum No. 18/1/CI/71, dated the March 15, 1972 on the above subject?

2. The legal position regarding the nature of proceedings during the President's Address to both Houses of Parliament has been explained in detail in this Ministry's O.M. No. Law Secy-1901/71 dated July 22, 1971 and the enclosure to our U.O. No. 22078/71 (Adv. F) dated May 13, 1971.

3. The first question relates to the disciplinary powers or authority of the President to enforce order, dignity and decorum on the occasion of his address and the legal and constitutional provisions under which the President derives such powers. As the person in charge of the proceedings, the President may take such action as may be necessary, including the removal of those members who obstruct the proceedings, to ensure that the business which brings the two Houses together is duly carried out. The power to maintain order in the course of the President's Address is not derived from any particular statutory or constitutional provision. It may be recalled that the Privileges Committee of the Rajasthan Assembly had held that the Governor of Rajasthan had acted within his power and authority in expelling members who had interrupted him during the course of his address.

4. The second question is "if there is no specific legal or constitutional provision vesting the President with the above said powers, what amendment of the law or the Constitution would be necessary to vest the President with such power?" In this connection attention is invited to paragraph 9 of this Ministry's O.M. dated July 22, 1971 referred to earlier, namely, that there is no specific provision as to the person who is to preside on the occasion when the two Houses of Parliament assemble together for the President's Address under article 87 of the Constitution. The object may be achieved by amending the Constitution providing that at the joint sitting of both Houses on the occasion of the President's Address, the President shall preside. In the alternative the amendment may provide that such joint sitting shall be deemed to be a joint sitting of both the Houses of Parliament as contemplated by article 108. If any amendment is considered really necessary, the latter is preferable.

To

Lok Sabha Secretariat
(Shri B.K. Mukherjee),
Parliament House, New Delhi.

Sd/-
R.S. GAE,
Secretary.

ANNEXURE-II

To the Background Paper

RESOLUTION ADOPTED AT THE ALL INDIA CONFERENCE ON 'DISCIPLINE AND DECORUM IN THE PARLIAMENT AND STATE LEGISLATURES' HELD AT NEW DELHI ON 23 AND 24 SEPTEMBER, 1992

RESOLUTION

The Presiding Officers, Leaders of Parties, Ministers of Parliamentary Affairs and Party Whips in Parliament and State Legislatures, and senior Parliamentarians and Legislators, having met in a Conference in New Delhi on 23 and 24 September, 1992, and deliberated on the need for more meaningful, effective and orderly functioning of the Houses of Parliament and State Legislatures.

(1) Feel greatly satisfied that the Parliamentary System has taken firm roots in the country notwithstanding the challenges from within and outside;

(2) Compliment the people of India for their continued faith in the principles and ideals of democracy and reaffirmation of their allegiance to the Parliament and Parliamentary Institutions;

(3) Reiterate their responsibilities and duties to protect and preserve and hard won freedom, strengthen the unity of the people, defend the integrity of the country and achieve for the people a life of peace, prosperity and happiness;

(4) Agree unanimously that with a view to preserving the democratic and secular fabric and strengthening the Parliamentary Institutions it is necessary that—

(i) At the time of Address by the President to the Members of both the Houses of Parliament and at the time of Address by the Governor to the Houses of Legislatures decorum and dignity of the occasion be maintained fully and due respect be shown to the President and the Governor;

(ii) The Question time should be utilised fully and effectively a well-established device to ensure accountability of the Administration and that the demands for the suspension of the Question Hour should not be made and accedes to accept with the consensus in the House to discuss a matter of very urgent nature and exceptional importance;

(iii) The Legislatures should hold sufficient number of sittings in a year with a view to affording adequate opportunities to the Legislators to deliberate;

(iv) Members should scrupulously observe the Rules of Procedure in order to maintain order and decorum in the House; and

(v) The Committee system be strengthened in the Parliament and State Legislatures in order to enable in-depth study and closer scrutiny as well as to ensure accountability of the Executive to the Legislature;

(5) Suggest that the political parties evolve a code of conduct for their Legislators and ensure its observance by them;

(6) Urge that the political Parties, Governments at the Centre and the States, the Press others concerned should help create a climate conducive to the healthy growth of Parliamentary System in the country.

ANNEXURE-III

To the Background Paper

GIST OF RECOMMENDATIONS MADE IN THE FIRST REPORT OF THE ETHICS COMMITTEE, RAJYA SABHA

GIST OF RECOMMENDATIONS MADE IN THE FIRST REPORT OF THE ETHICS COMMITTEE, RAJYA SABHA

The Ethics Committee of Rajya Sabha presented its First Report on 8th December, 1998. Gist of the recommendations made in the Report is as follows:—

Declaration of assets and liabilities by members

— There should be a compulsory declaration of assets and liabilities by members.

(Para 6)

Elections to Rajya Sabha & Legislative Councils by Secret Ballot

— The question of holding open ballot instead of secret ballot, to insulate Rajya Sabha and Legislative Council elections from money power may be examined.

(Para 19)

Criminalisation of politics and corrective measures

— Political parties urged upon to devise self-controlling norms which should regulate the conduct of their members.

(Para 11)

— Government should expedite the process initiating major electoral reforms in order to keep criminals out of the political arena.

(Para 18)

Election Expenses

— In fixation of ceiling on election expenses, ground realities must be taken into account.

(Para 21)

— Need to examine ramifications of corporate funding of political parties.

(Para 22)

— Donations received by political parties from foreign sources should be totally banned.

(Para 24)

Draft framework of Code of Conduct for members

— In their dealings, if MPs find a conflict between their personal interests and public trust, private interests should be subordinated;

— MPs should never expect or accept any fee, remuneration or benefit for a vote given or not given on the floor of the House, for introducing Bill, for moving a resolution or desisting from moving it, putting a question or abstaining from asking a question of participating in the deliberations of the House or a parliamentary committee;

— MPs should not take a gift which may interfere with honest and impartial discharge of their official duties.

— If MPs are in possession of confidential information by virtue of their position, they should not disclose it to advance their personal interests.

ANNEXURE-IV

To the Background Paper

GIST OF RECOMMENDATIONS MADE IN THE ETHICS REPORT OF THE COMMITTEE OF PRIVILEGES (11TH LOK SABHA)

GIST OF RECOMMENDATIONS MADE IN THE ETHICS REPORT OF THE COMMITTEE OF PRIVILEGES (11 LS)

This Report covers in detail the various facets of Parliamentary privileges and more particularly, the ethical matters. The pivotal recommendation in the Report was that the Committee of Privileges be renamed as the 'Committee on Ethics and Privileges' for dealing with both ethics and privilege related matters.

The other important recommendations in the Report are:—

Financial disclosures

(i) It may be made mandatory for each member of Lok Sabha to disclose his/her income, assets and liabilities. Members may be required to file a financial disclosure statement immediately after election to Lok Sabha and Members may file revised forms whenever any change occurs.

(ii) A Register of Members' Interests be maintained.

(iii) Guidelines in respect of Gifts, benefits and Hospitality and Rules/Guidelines of financial disclosures and declaration of pecuniary interests be framed by the Committee on Ethics in consultation with the Rules Committee.

(Page 69, Para 32)

Code of Conduct

A definitive Code of Conduct of Members may be evolved and placed before House for deliberation and adoption. The Code of Conduct may cover suggestions *re.* (i) administering of the Code; (ii) complaints in respect of breach of the Code; and (iii) sanctions for violations of the code.

(Page 67, para 22 (a))

Anti-Defection Law

Need for threadbare review of the Anti-Defection Law and Measures by Government for bringing suitable amendments in the Law.

(Page 65, Para 13)

Criminalisation of Politics

Urgent need for comprehensive electoral reforms on the basis of all party discussions and consensus and suitable modifications in the Representatives of People Act, 1951 for combating criminalisation of politics.

(Page 64, para 12)

General

The report has recommended broad parameters of procedure for dealing with complaints relating to unbecoming conduct of a Member or his unethical behaviour. These apart, there are various other recommendations in the Report pertaining to constituency responsibilities, Lobbying, Electoral expenses, member's involvement in various welfare schemes, protocol norms and facilities to members.

ANNEXURE-V

To the Background Paper

LETTER DATED 25.3.2001 ADDRESSED BY THE SPEAKER, GUJARAT LEGISLATIVE ASSEMBLY TO THE SPEAKER, LOK SABHA ENCLOSING HEREWITH DETAILS OF THE GUJARAT INCIDENT

DHIRUBHAI SHAH
SPEAKER

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Gujarat Vidhan Sabha,
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Dt. 25.03.2001

Dear Shri Balayogiji,

VIII Session of the Gujarat Legislative Assembly commenced on the 19th March, 2001. During the session certain unprecedented events were taken place in the House on the issue of allegations levelled by the Leader of the Opposition against the Members and the Council of Ministers of the ruling party. One of such serious incidents was the attack on me in my chamber by the Opposition Members.

A detailed report on the chronological order of the events is enclosed for your information and necessary action at your end.

At present, such incidents are being taken place in other Legislatures also and as such, the issue requires serious consideration.

With regards,

Yours sincerely,

Sd/-
(DHIRUBHAI SHAH)

To
Shri G.M.C. Balayogi,
Hon'ble Speaker,
Lok Sabha,
Parliament House,
New Delhi.

DETAILED REPORT ON CURRENT EVENTS IN GUJARAT LEGISLATIVE ASSEMBLY

The Assembly session of the Gujarat Vidhan Sabha was called on the March 19, 2001 at 12 noon. H.E. the Governor Shri Sundarsingh Bhandari arrived in the House for his inaugural address. However, he was not allowed to Address the House by the Opposition Members. Persistent interruption and demonstrations were created by them by shouting slogans and throwing fake currencies even at the H.E. the Governor. Such uproarious scenes and disorder prevailing in the House had forced him to curtail his address & treat the remaining portion of his address as read.

After the Governor's address when the House reassembled to move the motion of thanks for his address, one of the Opposition Members Mr. Gunwant Makwana, threw again the fake currencies just to create disturbances and to stall the proceedings of the House. After suspending the concerned Member for three days of the sitting of the House, the House passed the condolence resolution for those who had lost their lives in the recent earthquake and in their honour the House was adjourned for the next day.

On 20th also, the disturbances continued in the House. The Opposition Members took out procession in the Vidhan Sabha building premises waving banners and shouting slogans.

On 21st also, the disturbances continued. The agitating Members were alleging the Government's failure to tackle the situation arising out of the recent earthquake and the drought situation in the State. After recess time, the Deputy Speaker was on the Chair and he called for the next item of the agenda *i.e.,* the item of consideration of situation arising out of the natural calamity of earthquake and drought condition in the State. During the discussion the Leader of the Opposition had made certain derogatory remarks that "MLAs and Ministers of the ruling party have taken away the valuable relief materials that came from abroad". The Members of the ruling party stunned and shocked to hear the vague allegation and demanded specific details as to the names of Members and the Ministers, otherwise he should tender his apology to the House for making such baseless allegations. This created disturbance and disorder in the House. The Deputy Speaker had to adjourn the House for ten minutes. When the House reassembled, the same demand was raised and the House was adjourned again for ten minutes. While adjourning the House, the Deputy Speaker requested the Parliamentary Affairs Minister and the Leader of the Opposition to come to the Chamber of the Hon'ble Speaker for verifying the record whether such allegations were really made or not. However, the Leader of the Opposition did not turn up for verification. During ten minutes interval the verification process was not completed and therefore, when the House reassembled, a member from the panel of Chair Shri Dolatbhai Desai presided. He, because of the disturbances, again adjourned the House for another 15 minutes. After 15 minutes, the House reassembled under the Chairmanship of the Deputy Speaker, and before he could do anything or make any announcement, the Opposition Members gathered in the well of the House throwing leaflets, books and files at the Speaker's Chair. Again under compulsion, the Deputy Speaker had to adjourn the House for another ten minutes. When the House reassembled again, the Deputy Speaker announced that he has verified and checked the records thoroughly and on the basis of the verification, he gave his ruling to the effect that the Leader of the Opposition should express his regret today before the adjournment of the House. However, the Leader of the Opposition did not express regret and the House was adjourned for the next day.

On the next day, *i.e.* on 22nd, the Hon'ble Speaker was on the Chair and at the starting of the sitting of the House, a point of order was raised by the Parliamentary Affairs Minister referring yesterday's ruling of the Chairman, stating that the Leader of the Opposition has disobeyed the ruling of the Chair and as such he had shown disrespect and disregard the order of the Chair and thereby he was liable to be punished for the breach of privilege of the House. In support of his point of order, he has referred, The Practice and Procedure of Parliament by Shri S.S. More and cited certain quotations as under:

"The Member who shows disrespect for a ruling may be punished by suspension for one, two or even four weeks. The slightest reflection in the House upon the Speaker's action or character is a grave breach of order receiving immediate and serious reproof."

"Once the order of the Speaker is passed in the House, it should be regarded. There cannot be any discussion on it."

A lengthy debate on the point of order was allowed by the Speaker and every Member who wanted to speak on it was given permission. Since so many citations were quoted by different Members, the Speaker sought time for his ruling. In the meantime he also requested both the Parliamentary Affairs Minister as well as the Leader of the Opposition to arrive at some amicable solution in order to remove the deadlock.

Then during the whole day the opportunity was given to both the leaders for resolving the matter. However, the desired result was not arrived at. Then at about 5 o'clock in the evening, the Hon'ble Speaker granted the point of order on the following grounds:

1. that the Leader of the Opposition has made the allegation during his speech;
2. yesterday's ruling of the Deputy Speaker was final and binding;
3. the Leader of the Opposition did not obey the ruling and had shown disregard and disrespect to the authority of the Chair.

After that, the Hon'ble Speaker allowed the Parliamentary Affairs Minister to move his motion. He moved the motion to the effect that the Leader of the Opposition be suspended for the rest of the period of the current session. The motion was placed before the House and it was carried by voice vote. Then the Leader of the Opposition left the House. In the meantime, the Opposition Members started slogan shouting and created disturbances. The House was adjourned for ten minutes.

When the House reassembled, the Deputy Speaker was on the Chair and again the Members of the Opposition started disturbances and a motion was placed before the House for suspending seven other members of the Opposition. It was carried by a voice vote. Then the Opposition Members tore the papers and documents, broke the microphones, threw files and papers to the Chair's dais and rushed into the well of the House. Therefore the Deputy Speaker instructed the Marshals to remove the suspended Members from the House. The suspended Members along with the other Opposition Members rushed to the chamber of the Hon'ble Speaker in a very agitating mood, started shouting slogans in an undignified and abusing language to the authority of the Chair. They also broke the entrance door of the chamber of the Speaker, made a serious assault on the Speaker by throwing chairs and other articles of the chamber with the intention of causing grievous injuries to the Speaker. They also broke the furniture and glass of the table. The Hon'ble Speaker requested them to refrain from such doings and requested them to present their demand in a decent way. They were not in a mood to cool down and ultimately the Speaker had to leave his chamber

When the House was informed about the incident, a motion was moved to suspend the entire opposition members who were present on that day, except for a lone lady member, for the remaining period of the session and the same was passed by a voice vote. After completing the remaining business of the House for the day, the House was adjourned by the Deputy Speaker for the next day.

On the next day, *i.e.* on 23rd, when the House met, the Leader of the Opposition with his Members staged a *dharna* in the lobby before the chamber of the Hon'ble Speaker.

At the end of regular business for the day, the Hon'ble Speaker has with his inner convictions and beliefs, made observations about the unparliamentary and undignified incidents that were happened right from the opening of the session by the Governor. **He observed that the most important and vital issue before the House was to discuss the prevailing situation arising out of a recent earthquake and serious drought condition in the State. Such debate on the floor of the House would ultimately benefit the people at large. But the same was not materialised for somehow or the other. He further observed that the present goings in the session was in no way dignified and decent conduct on our part. The essence of our parliamentary system lies in the tolerance. During last three days it was lost on both the sides. The undignified and derogatory utterances on the floor of the House has really put a question mark on our sustained moral values and traditions which had been established by our founding fathers Mahatma Gandhi and Vallabhbhai Patel. The dissent is another fundamental ingredient of our system, but it must be in a temperate and dignified language. At the same time, the majority has to remain patient while expression of dissent view on the floor of the House. In the current session so many hours were lost on the issues which were not healthy for the sustenance of parliamentary democracy. He has further announced that there was no other way left for him except to go on 72 hours fast after the conclusion of the current session near the statue of Mahatma Gandhi in the Assembly complex for restoration of parliamentary values and decorum as well as to restrict such violent attacks on the office of the Speaker.**

Sd/-
T.K. DORIA
Secretary
Gujarat Legislative Assembly

ANNEXURE-VI

To the Background Paper

LETTER DATED 12.4.2001 ADDRESSED BY THE SPEAKER, GUJARAT LEGISLATIVE ASSEMBLY TO THE SPEAKER, LOK SABHA

DHIRUBHAI SHAH
SPEAKER

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Dt. 12.4.2001

Dear Shri Balayogiji,

Thank you very much for extending moral support to my action of holding fast for restoring the democratic values and the dignity of the office of the Speaker in our parliamentary polity in response to my letter dated 25.3.2001 along with the report of my Secretary on the violent and unprecedented incidents that took place in the Gujarat Legislative Assembly during the VIII session from 19th to 23rd March, 2001.

Your good office has very well responded to my stand after taking into consideration that gravity and seriousness of the situation that led to the crucial decision of observing 72 hours fast. Sir, though I do not wish to blame any particular party, I would like to emphasize here the words of Jawaharlal Nehru "democracy means tolerance, tolerance not merely of those who agree with us, but of those who do not agree with us". Of course, that was not the situation prevailed in the House during the session. Here, I would like to further apprise you of the subsequent developments that led to my 24 hours token fast instead of the earlier 72 hours.

After the incidents, I had received fax messages and telephone calls from Hon'ble Speakers and Chairmen of Legislatures throughout India expressing solidarity and moral support to my action. While complimenting and encouraging me for my action and concern on the parliamentary values and decorum, they also appreciated my stand stating that the Presiding Officers are duty bound to enforce the rules and regulations in maintaining the high traditions that our founding fathers have established and also suggested to take up the issue at the national level. Looking to the present scenario, they have also gone to the extent of requesting the Union Minister of Parliamentary Affairs, your goodself and the Chairman of Rajya Sabha for convening an emergent conference for evolving an effective mechanism to deal with such situations.

I had also received a number of messages from eminent lawyers, doctors, educationalists, other dignitaries, senior citizens and social organisations supporting my action. Shri Kundanlal Dholakia, Ex-Speaker of Gujarat Legislative Assembly had also supported my action. The Chairman and the Members of Gujarat Ex-MLA Council had also supported my stand.

Responding to the requests made by the Chief Minister, Shri Keshubhai Patel, Leader of the Opposition Shri Amarsinh Chaudhary and some other senior Members of the Assembly for re-consideration of my stand, I had to reduce my fast to 24 hours. During my fast, Hon'ble Shri Kadian, Speaker, Haryana Vidhan Sabha and Shri Upendra Trivedi, Deputy Speaker, Gujarat

Vidhan Sabha and other dignitaries joined with me in my endeavour to evolve an effective mechanism for dealing with such situations in the House which undermine the dignity and decorum of our prestigious institutions. Shri Kadian had personally visited Gandhinagar for this purpose.

During the last decades, the country has witnessed growing incidents of disorder and pandemonium in our legislative bodies, which ultimately resulted into disruption of our parliamentary proceedings. Such a state of affairs in parliamentary institutions has really posed a question as to the very survival of our system. We all are well aware that the presiding officer has to play a very vital role in upholding parliamentary traditions and values. If we do not combat the menace at this juncture there will be a great loss to our democratic society.

In order to preserve and strengthen the confidence of our people in the democratic set up of governance, I feel it is high time for us to have considered on the following remedial measures that are agitating in my mind:

1. The issue should be included with utmost priority in the Agenda of the ensuing Presiding Officers Conference and the Conference should arrive at a concrete conclusion by passing necessary resolution.
2. A delegation of Speakers and Chairmen of the Legislatures under your Leadership should meet the Hon'ble President of India and the Prime Minister and present a memorandum on the issues.
3. To discuss the present scenario, there should be a National Conference with the participation of Assembly Speakers, Chief Ministers, and Leaders of Opposition chaired by your goodself and addressed by the President and Prime Minister.
4. I vehemently recommend for a New Model Code of Conduct for the Members and the Political parties in the changing needs. The modalities of its operation should be worked out so that its implementation could be affected in toto.
5. The Lok Sabha Secretariat should organize a National Debate on the issue. Similar debate should also be organized at the State level by all State Legislatures.

At the end, I hope your good office will immediately respond to my demand that will utilimately strengthen our system to the common good.

With regards,

Yours sincerely,

Sd/-
(DHIRUBHAI SHAH)

Hon'ble Shri Balayogi,
Speaker,
Lok Sabha,
New Delhi.

ANNEXURE-VII

To the Background Paper

GIST OF RECOMMENDATIONS MADE IN THE FIRST REPORT OF COMMITTEE ON ETHICS, LOK SABHA

GIST OF RECOMMENDATIONS MADE IN THE FIRST REPORT OF COMMITTEE ON ETHICS, LOK SABHA

The First Report of the Committee on Ethics, Lok Sabha on "Ethics related matters" was presented by the Hon'ble Chairman, Committee on Ethics to the Hon'ble Speaker, Lok Sabha on 31 August, 2001. The gist of the recommendations made in the Report is as follows:—

Norms of ethical behaviour for members

— All norms of ethical behaviour for members as have already been provided for in the Rules of Procedure and Conduct of Business in Lok Sabha, Directions by the Speaker and in the conventions which have evolved over the years on the basis of recommendations made by various Parliamentary Committees in their Reports, be strictly enforced.

(Para 23)

— Apart from the existing norms of ethical behaviour, members should abide by the following general ethical principles:—

(i) Members must utilise their position to advance general well being of the people;

(ii) In case of conflict between their personal interest and public interest they must resolve the conflict so that personal interests are subordinate to the duty of their public office;

(iii) Conflict between private financial/family interest and public interest should be resolved in a manner that the public interest is not jeopardized;

(iv) Members holding public offices should use public resources in such a manner as may lead to public good;

(v) Members should keep uppermost in their mind the fundamental duties listed in Part-IV of the Constitution;

(vi) Members should maintain high standards of morality, dignity, decency and values in public life.

(Para 24)

— Leaders of legislature parties inside the House and political parties outside the House might impress upon the members of their parties the need for strict adherence to the norms of discipline and decorum in the House.

(Para 25)

Procedure for complaints

The Committee recommended the following procedure for making complaints relating to unethical conduct of members:—

(a) A complaint relating to unethical conduct of a member in Lok Sabha or connected with his parliamentary conduct may be addressed to the Speaker, Lok Sabha who may forward it to the Chairman, Committee on Ethics;

(b) Any person may make such a complaint to the Speaker;

(c) It shall be incumbent upon the complainant to ensure that the complaint is not false, frivolous or vexatious and is made in good faith. An affidavit to this effect shall accompany the complaint;

(d) The Committee may also *suo motu* take up for investigation matters relating to ethics, wherever felt necessary;

(e) The Committee shall examine all the matters referred to it and also those taken up by it *suo motu*;

(f) The procedure to be followed by the Committee for the purpose of examining complaints of unethical conduct of members may, as far as possible be the same as the procedure adopted by the Committee of Privileges for enquiry and determination of any question as to breach of privilege of the House or a member.

(Para 27)

Financial disclosure and declaration of interests

The Committee recommended the following norms with regard to financial disclosures and declaration of interests by members:—

(a) It may be made mandatory for each member of Lok Sabha to disclose his/her income, assets and liabilities. For this purpose members may be required to file a financial disclosures statement immediately after their election to Lok Sabha;

(b) Members may file revised forms whenever any change occurs and also at the end of the tenure of the Lok Sabha;

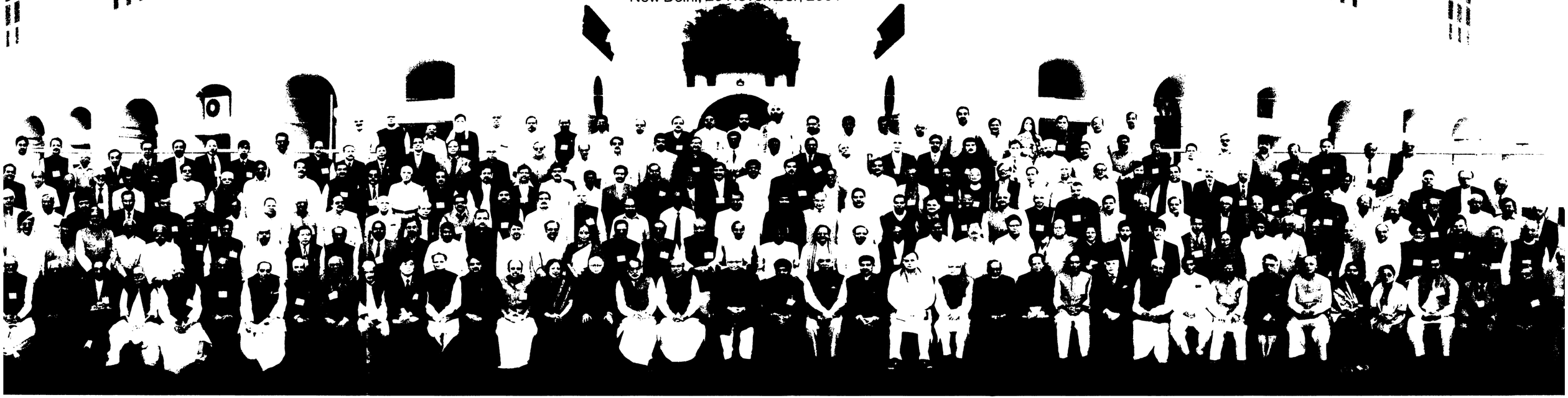
(c) A register of members' interests may be maintained in the Lok Sabha Secretariat on the basis of information furnished by the Member;

(d) The register of Members' interests should be treated as confidential and the information contained therein would be made available to any complainant only with the permission of the Speaker, Lok Sabha;

(e) Rules may be framed specifically indicating acts of commission or omission which constitute unethical conduct and are not already mentioned in the Rules and Directions.

(Para 29)

ALL INDIA [illegible]ENCE ON
DISCIPLINE AND DEC[illegible]UM IN PARLIAMENT AND LEGISLATURES OF STAT[illegible] AND UNION TERRITORIES
New Delhi, 25 November, 2001



Group photograph of delegates to the All India Conference of Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders and Whips of Parties on 'Discipline and Decorum in Parliament and Legislatures of States and Union Territories'